



Class E178

Book .H698



O.B.
Item - 35

HISTORY

7104584
5073-E

Of The United States, And



4
3053

THE DAWN OF

THE REVOLUTION

H. Billings Del.

H. W. Smith Sc.

JUNE 19th 1775

BIOGRAPHIES of the SIGNERS

OF THE

DECLARATION OF INDEPENDENCE.

WALKER & VINTUR, BOSTON.

Printed according to Act of Congress in the year 1891 by S. Walker in the Clerk's Office of the District Court of Mass.

HISTORY

OF THE

UNITED STATES,

FROM THE EARLIEST PERIOD.

BY

JOHN HOWARD HINTON, A. M.

WITH ADDITIONS BY SAMUEL L. KNAPP, ESQ., AND JOHN OVERTON CHOULES, D. D.

A New Edition,

BROUGHT DOWN TO THE PRESENT TIME.

TO WHICH ARE ADDED

BIOGRAPHIES OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE.

BY

W. A. CRAFTS.

ELEGANTLY ILLUSTRATED.

BOSTON:

WALKER AND VIRTUE.

1861.

E 178
H 678

Entered, according to Act of Congress, in the year 1860, by

SAMUEL WALKER,

In the Clerk's Office of the District Court of the District of Massachusetts.

2861

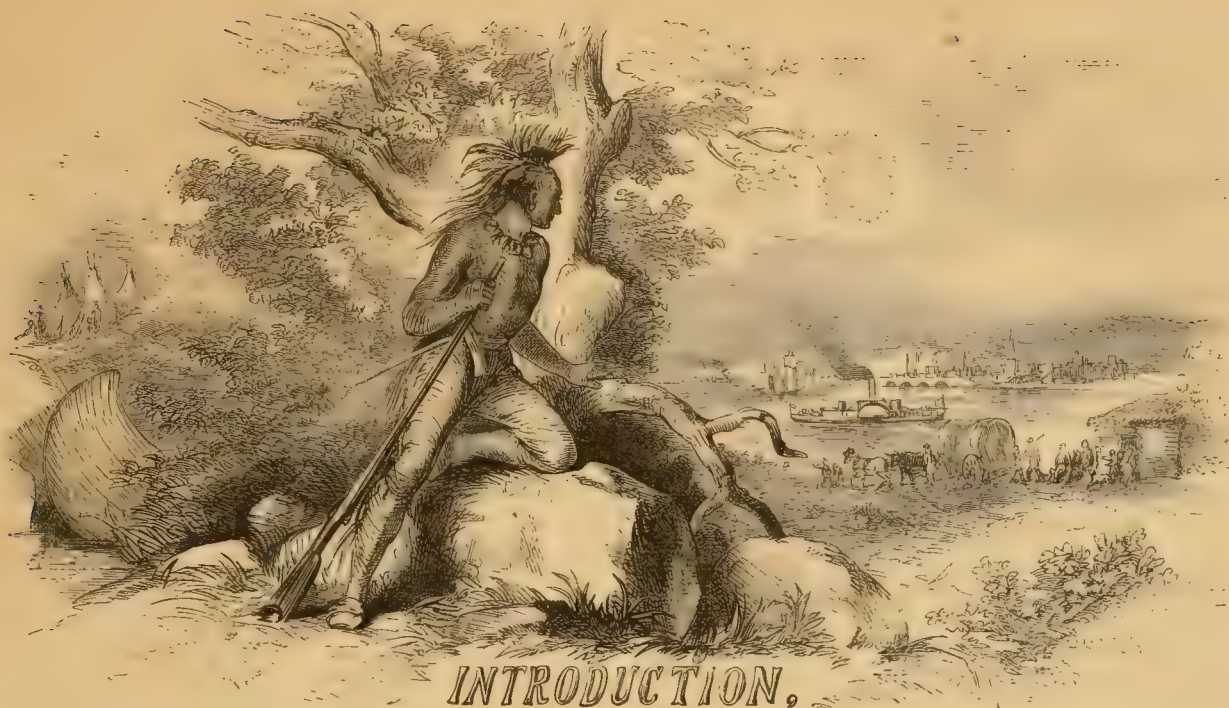
INDEX.

- ABRAHAM, battle of the heights of, 176.
- Adams, John, the father of the American navy; report in the legislature of Massachusetts, 230.
- Adams's administration, 315.
- Adams, John Quincy, his speech to Lafayette, and the general's answer, 361.
- Adams, Samuel, excluded from the general pardon, after the battle of Lexington, 224.
- Alabama, admitted into the Union, 353.
- Alexandria, surrender of, 340; retrocession of, to Virginia, 514.
- America, supposed early discoveries of, 11; hostilities commenced in 1775, 223.
- Amistad, slaver, case of, 438.
- André, Major, execution of, 281.
- Andros, despotic rule of, 66.
- Antinomian dissensions, 52.
- Appalachian Indians, war with, 149.
- Aqua Nueva, battle of, 471.
- Arnold, Benedict, treachery of, 280; memoir of, 280; his conduct in the campaign of 1777, 265.
- Atlantic telegraph, 644.
- Augustine, Fort, expedition against, 148.
- Baltimore, battle near, 340.
- Bankrupt law, 450.
- Baptists, persecution of, 60.
- Barbary powers, humbled by the energy of the American navy, 326.
- Barlow's voyage of discovery, 20.
- Baum's defeat and death, with a minute account of the battle, 258.
- Bellamont, Earl, appointed governor of New York, 123; his death, 124.
- Benton, Thomas H., review of the Dred Scott decision by, 699; death of, 702.
- Berlin decree, effect of, 229.
- Bermudas, the, sold, 30.
- Biddle, of the navy, 231.
- "Black Warrior" affair, 581.
- Boston, first church founded in, 48; first General Court at, 48; proclamation of William and Mary at, 67; the peace of Ryswick proclaimed at, 72; riots at, 77; tumults in, occasioned by the Stamp Act, 190; tumults in, 198; convention at, 199; arrival of troops at, 199; affray between the troops and populace in, 203; convention at, 219; attacked by General Howe, 236.
- Boundary, north-eastern, 440.
- Boundary, north-western, 459.
- Braddock's defeat at Monongahela, 167.
- Brandywine, battle of, 255.
- British Parliament, proceedings of, 192.
- Buchanan, James, inauguration of, 703.
- Buena Vista, battle of, 471.
- Bunker Hill, battle of, 226; monument, 356.
- Burgoyne, General, surrenders to the Americans, 263, 283.
- Burr, Colonel, conspiracy of, 329.
- Cabot, voyage of, 12.
- Calef, Robert, the fearless exposé of the delusion of witchcraft, 69.
- Calhoun, John C., death of, 518.
- California, mineral wealth of, 510; admitted as a state, 523.
- Cambridge, introduction of printing at, 54.
- Camden, battle near, 277.
- Campaign of 1757, 169; of 1758, 171; of 1759, 173; of 1776, 245; of 1779, 273.
- Canada, French settlements in, 163; expedition to, in 1775, 231; evacuated by the American troops, 237; campaign in, 335; revolutionary attempts in, 437; action of United States, 437.
- Canonicus, Indian chief, sold lands to Roger Williams, 105.
- Carolina, North and South, history of, 139; charter granted to Lord Clarendon, 140; settlement of emigrants from Barbadoes, 140; constitution, 141; Dutch colony transferred to, 143; sanguinary warfare in, 281; several forts surrendered, 283.
- Caroline, Fort, taken by the Spaniards, 16.
- Caroline, steamer, seizure of, by British officers, 437.
- Cartier, voyage of, 13; his second attempt at discovery, 13.
- Carver, John, the first governor of Plymouth colony, 42.
- Census taken in 1801, 322.
- Cerro Gordo, battle of, 473.
- Champlain, Lake, naval engagement on, 253.
- Chapultepec, battle of, 495.
- Charleston, settlement at, 47; defeat of the British at, 240; siege of, 1780, 276.
- Chatham, Earl of, honored and esteemed in America, 171.
- Chesapeake Bay, Captain Newport first lands in, 25; builds Jamestown, 25.
- Chesapeake, frigate, attack on the, 329.
- Chippewa, battle of, 339.
- Cholera, in the United States; its progress and fatality, 382.
- Churubusco, &c., battle of, 486.
- Clay, Henry, candidate for president, 454; death of, 548.
- Cochrane, Admiral, declaration of blockade by, 339.
- Colonial government as instituted by King James, 24.
- Compact of the New England pilgrims, 42.
- Compromise of 1850, 522, 528.
- Concord, battle of, 223.
- Confederation, system of, adopted, 270.
- Congress, Provincial, their proceedings the day after the battle of Lexington, 224.
- Connecticut, history of, 83; Dutch settlements, 83; emigration from Massachusetts, 83; hostilities of the Indians, 84; constitution of, 87; union of the colonies, 87; patent granted by Charles II., 88; Indian hostilities on the river, 89; penal enactments, 92; infringements on civil and religious liberty, 96; constitution modified, 97.
- Contreras, &c., battle of, 484.
- Convent, Ursuline, at Charlestown, destroyed, 439.
- Cornwallis, Lord, surrenders with his army, 287.
- Crampton, J. F., British minister, dismissed, 627.
- Creeks, treaty with the, 364.
- Cuba, diplomatic correspondence relative to, 558; letter of Edward Everett to Lord J. Russell, relative to, 571; movement for the acquisition of, 582.
- Culpepper's insurrection, 143.
- Dearborn, in the campaign of 1777, &c., 264.
- Declaration of independence, 242; of rights, 216; of war against Great Britain, 1812, 333.
- Delaware, cession of, to the U. States, 329.
- Delaware, Lord, arrival of, in Virginia, 29.
- Denmark, negotiations with, 598.
- Detroit, surrender of, 178, 337.
- Dieskau, Baron, defeat of, 167; mortally wounded in Johnson's fight near Lake George, 169.
- Dissenters persecuted, 49, 148.

- Doctrines of South Carolina in regard to the construction of the Constitution of the United States, 385.
- Dorr, Thomas W., rebellion in Rhode Island, 447.
- Du Quesne, Fort, capture of, 173.
- Dwight, Colonel, officer at the taking of Louisbourg, 76.
- Eaton, General, his exploits in Derne, at the head of a handful of troops, 328.
- Eutaw, battle of, 284.
- Exeter, founded by Wheelwright, 80.
- Exploring expedition, 440.
- Falmouth burnt, 1775, 231.
- Fillmore, Millard, biographical sketch of, 515; inauguration of, 520; administration of, 524; first message of, 529.
- Fire, great, in New York, 439.
- Florida, taken possession of, 354; attempts of the Huguenots to colonize, 15; Indians in, 432.
- France, secret negotiation of the states with, 268; recognizes the independence of the states, 269; sends a fleet to their succor, 272; the United States declare war against, 318; measures in relation to indemnity claim from, 433.
- Fremont, John C., in California, 469; nominated for the Presidency, 628.
- French and Indian wars from 1756-1763, 163; causes of the rupture, 165.
- French spoiliations, 513-593.
- French troops arrive in the United States, 279.
- Frechtown, massacre at, 335.
- Frontignac, Fort, capture of, 173.
- Fugitive slave law, 523, 528.
- Garrangula, chief of the Five Nations, his speech, 120.
- Geary, John W., governor of Kansas, 626.
- Georgia, history of, 155; Indian chiefs visit England, 156; its advantages, 156; Spanish expedition against, 158; introduction of slaves, 159; insurrection in 1749, 160; surrender their charter, 162.
- Germantown, battle of, 256.
- Gilbert obtains a charter of land in America from Queen Elizabeth, 18; his equipments, 19; arrives at Newfoundland, 19; sails for the Isle of Sable, 19; is lost, with his crew, in a storm, 19.
- Gorham, Colonel, officer at the taking of Louisbourg, 76.
- Gosnold, voyage of discovery of, 23.
- Gospel, success of, among the Indians, 58.
- Government of the province of Massachusetts Bay, 42.
- Greene, General, his military services and character, 285.
- Grenville's voyage to Virginia, 21; his second voyage, 22.
- Greytown, Nicaragua, bombardment of, 590.
- Gridley, Colonel, engineer of the works on Bunker Hill, June 17, 1775, 125.
- Hamilton, Alexander, a writer in the *Federalist*, 300.
- Harrison, William H., inauguration of, 442; death of, 443.
- Hartford convention, proceedings, 396.
- Harvard College, 54.
- Hawkins's unsuccessful attempt to find a north-west passage, 18.
- Hayne, Colonel, senator in Congress, great speech of his on the doctrines of the convention of South Carolina, 385.
- Hendrick, Indian chief, distinguished for his wisdom, fidelity, and bravery, 165.
- Henry, the celebrated Patrick, speech of, 188.
- Heyn, Dutch admiral, scours the sea of the pirates on the coast of America, 112.
- Hoyt, General, his account fully given of the battles immediately preceding the surrender of Burgoyne and his army to the American forces, 264.
- Hudson's voyage in 1609, 111.
- Hulsemann, Webster's reply to, 538.
- Hungary, letter of Austrian minister relative to American sympathy with, 537.
- Hutchinson, Anne, her religious opinions, her trial, admirable defence, exile, and fate, 38.
- Illinois, admitted into the Union, 353.
- Iowa, admitted as a state, 513.
- Indians, Eliot's efforts to convert the, 57; success of the gospel among, 58; wars of, 81; wars in 1790, 306; characteristics of, 311; their customs, 313; religion, 314; wars, 314; number of, in the states, 316.
- Jackson, President of the United States; his inaugural speech, 386; his proclamation against the "ordinance" of South Carolina, 387; review of first administration of, 428; second administration of, 431; removal of the deposits from the bank of the United States, 431.
- Japan, difficulties with, 534; expedition to, 534, 588; treaty with, 590.
- Jay, John, one of the writers of the *Federalist*, 300.
- Jefferson, his administration, 320; retires 330.
- Johnson's fight near Lake George, 168.
- Jones's, Sir William, ingenious fragment of Greek history alleged to be from Polybius, 291.
- Kansas Indians, treaty with the, 365.
- Kansas, bill to establish the territory of, 578, 579; emigration to, 579, 625; first governor of, 580; fraudulent election in, 594, 603, 624; disturbed state of, 595, 597, 601, 603, 624; change of governors, 596, 626; free state party in, 596; Topeka constitution framed, 597; state government prospectively organized, 602; agitation of the country relative to affairs in, 605; speech of senator Sumner upon, 605-624; its consequences, 624.
- Kane, Dr., arctic expedition, 598.
- Kidd, Captain, piracies of, 123.
- King, W. R., death of, 569.
- Know-Nothing party, 591.
- Kossuth, reception of, 545.
- Kosztka, Martin, release of, 576.
- La Fayette arrives in America, 355; departure from Washington city, 363.
- Laudonniere's expedition to Florida, 15; his fleet destroyed in a storm, 15.
- Leisler usurps the governorship of New York, 120; is executed, 121.
- Lexington, battle of, 223.
- Liberties, body of; synopsis, 55.
- Londonderry settled, 82.
- Long Island, the Americans defeated in, 246.
- Lopez, expedition of, against Cuba, 516.
- Los Angeles, capture of, 469.
- Louisbourg, expedition against, 75; taken, 76; second capture of, 171; taken by the forces from New England, 76.
- Louisiana, purchased from France, 323; operations of the British in, 341.
- Lyman, General, second in command in Johnson's fight near Lake George, 168.
- Madison, one of the authors of the *Federalist*, 300; administration of, 331.
- Maine, submits to Massachusetts, 60; admitted into the Union, 354.
- Manufactures, 159; state of, in 1789, 159; account of, 1810, 160; imposition of additional duties in 1816, 161; further increase in 1824, 161; proceedings in Congress, 1828, 162; general manufactures, 169; rise and progress in America, 345.
- Maryland, history of, 136; granted by Charles II. to Lord Baltimore, 136; rapid progress of, 137; first assembly, 137; persecution of the Catholics and Quakers, 138; separated from Delaware, 139.

- Massachusetts, history of, 39; early attempts at settlement, 40; immigration of Puritans, 41; progress of the colony, 46; Gorges appointed governor of New England, 46; extensive immigration, 47; disfranchisement of dissenters, 49; first representatives, 50; large accession to the colony, 52; Antinomian dissenters, 52; printing introduced, 54; laws of, 55; required to deliver up their charter, 60; confederacy of the Indians, and commencement of hostilities, 64; the colonists raise an army and disperse them, 65; hostilities of the French and Indians, 67; first paper money issued, 67; new charter granted, 67; the governor opposes the assembly, 73; defensive preparations of the colony against France, 75; disturbances arising from the currency question, 70; immigration from Germany, 70; proceedings of the house of representatives in 1765, 189; in 1768, 196; provincial congress of, 219; insurrection in 1786, 302.
- Mexico, war with, 456, 461; battles of, 484-497; city of, taken, 498; treaty of peace with, 502; boundary between United States and, 580.
- Military stores taken at sea by the Americans, 234.
- Minnesota, admission of, as a state, 645.
- Minuit, governor of New Netherlands, his embassy to the Plymouth colony, 1627, 113.
- Mississippi, admitted into the Union, 353.
- Missouri, admitted into the Union, 354.
- Missouri compromise, 528; repeal of 578.
- Molino del Rey, battle of, 492.
- Monmouth, battle of, 271.
- Monroe, James, administration of, 349; death of, 430.
- Montcalm, his epitaph, 177.
- Monterey, capture of, 467.
- Montgomery, General, death of, 233.
- Montreal, expedition against, 122; cruelties of the French and Indians, 123; surrender of, 178, 232.
- Morgan, in the campaign of 1777, 264.
- Mormons, difficulty with, 439.
- Mugford, a naval hero of the revolution, 231.
- Native-American party, 449, 591.
- Navigation Act, English, 36; insurrection against, in Virginia, 37; in Massachusetts, 64.
- Navy, an historical sketch of, 325.
- Nebraska, bill to organize the territory of, 578; governor of, 579.
- Newburg Letters, an insurrectionary movement in the army at the close of the revolutionary war; Washington's address on the occasion, 295.
- New England, 333; state of, 55; union of the colonies, 55; commissioners appointed by Charles II. to visit, 64; complaints against the colonists of, 66; expedition of France against, 75.
- Newfoundland, taken possession of by Sir H. Gilbert, 19.
- New Hampshire, history of, 79; union with Massachusetts, 80; Indian wars, 81.
- New Haven, settled, 86.
- New Jersey, history of, 127; conquered by the Dutch, and surrendered to the English, 128; government of Andros, 128; his tyrannical proceedings, 128; first assembly, 129; the proprietorship purchased by Penn, 129; character of, 129.
- New London, destruction of, 288.
- New Mexico, taking of, 469; applies for admission as a state, 517, 525.
- New Netherlands, granted by Charles II., 116.
- New Orleans, defence of, 341.
- Newport, 110.
- New York, history of, 111; granted to the Dutch West India company, 112; extend their settlement, 112; the English and Dutch unite in a war against the Indians, 112; the English conquer the Dutch, 116; state of the colony, 118; English government instituted at, 118; taken by the Dutch, 119; restored by the treaty of peace, 119; expedition against the Five Nations, 119; added to the jurisdiction of New England, 120; effects of the revolution of 1688 at, 120; contests between the governor and assembly, 125; various administrations, 126; state of, in the middle of the 17th century, 127; petitions of the assembly of, 186; convention of colonial delegates at, 189; the governor burnt in effigy, 191; abandoned in 1776, 250.
- Niagara, Fort, destruction of, 169; again taken, 174.
- Nicaragua expedition, 594.
- Nova Scotia, successful attack on, 166.
- Oregon, northern boundary of, 459.
- Osages, treaty with the, 365.
- Ostend conference, 583.
- Pakenham, General, death of, 342.
- Palo Alto, battle of, 462.
- Paris, peace of, 179.
- Patent Office, destruction of, 440.
- Peace, treaty of, in 1783, between the United States and Great Britain, 293; in 1815, 346.
- Penn, William, memoir of, 130.
- Pennsylvania, history of, 130; early settlement of the Swedes, 130; subjugated by the Dutch, 130; granted by Charles II. to William Penn, 131; origin of the name of, 131; government of, 131; penal code, 132; rapid extension of, 136; retreat of the Americans from, 251; insurrection in, 308.
- Pension, provided for certain officers of the revolutionary army, 380.
- Pepperell, Sir William, commander of the American troops at the taking of Louisbourg, 1745, 76.
- Philadelphia, founded, 133; first general congress at, 215; taken possession of by the British, 256; Native American and Roman Catholic riot, 449.
- Philip, Indian insurrection under, 64; his death, 65.
- Phipps, his expedition against Canada, 67.
- Pierce, Franklin, inauguration of, 568.
- Pilgrims, their sufferings and character, 43.
- Pirates, encouragement given to, 144.
- Pitt, William, character of, 171.
- Plattsburg, the British defeated at, 340.
- Plymouth, fortified, 46; Dutch trade at, 47.
- Pocahontas, romantic story of, 26; Indian princess, the preserver of the infant colony of Virginia; her life and character, 30.
- Polk, James K., election as President, 454.
- Poor, Gen., a pioneer in many battles, 265.
- Port Royal, taken by the English, in 1710, 73.
- Portsmouth, first assembly at, 81.
- Preble, gallant conduct of, in the war with the Barbary powers, 336.
- Prescott, hero of Bunker Hill, 226.
- Princeton, battle of, 254.
- Printing press, first, in America, 54.
- Privateering, negotiations concerning, 635; rules proposed at Paris, 636; Mr. Marcy's letter, 636.
- Proclamation from President Jackson, stating his views of constitutional law, in opposition to the doctrines assumed by the convention of South Carolina, 398.
- Pulaski, death of, 274.
- Puritanism, sketch of, 40; persecuting tenet of, 49.
- Putnam, in the battle of Bunker Hill, 226.
- Quakers, conduct and suffering of the, 61; public opinion against it, 62.
- Quebec, expedition against, 174; surrenders, 178; act, 211; attack on, 233.
- Quinnipiack, purchased by Davenport, 86.

- Reciprocity treaty, with Great Britain, 588.
 Reeder, governor of Kansas, appointment of, 580; removal, 596; his course, 601.
 Resaca de la Palma, battle of, 463.
 Resolute, British bark, salvage and return of, 599.
 Revival of religion promoted by the visits of Whitefield and Wesley, 94.
 Revolution, American, 150.
 Rhode Island, history of, 105; government, 109; new charter, 109; college, 111.
 Ribault, his expedition to Florida, 15; is massacred, 16.
 Rice, introduction of, 147.
 Right of search, claimed by Great Britain, 329.
 Robinson and his church leave Leyden for America, 42; settle at Plymouth, 45.
 Rolfe's marriage with Pocahontas, 30.
 Rowley, settlement of, by Yorkshire clothiers, 54.
 Sackett's Harbor, unsuccessful attack on, 336.
 Salem founded, 47.
 Salisbury, settlement at, 54.
 Saltillo, battle of, 471.
 Santa Fé, Gen. Kearney's expedition to, 468.
 Saratoga, encampment of Burgoyne at, 259.
 Saybrook, synod at, 91; form of church government, 92; descent of the British on, 339.
 Schenectady, destruction of, 121.
 Scott, Dred, case stated, 645; opinion of Supreme Court on, 646-699; examination of, by T. H. Benton, 699.
 Scott, General W., campaign in Mexico, 472; proclamation to the Mexicans, 477; nominated for the Presidency, 551; breveted lieutenant-general, 593.
 Shannon, Wilson, governor of Kansas, 596, 625.
 Shirley, General, operations of, 168.
 Slavery question, view of, 526; discussion of in the message of President Pierce, 629; review of, by T. H. Benton, 701.
 Smith, exertions of, in founding Jamestown, 26; is taken prisoner by the Indians, 26; is released, and discovers the source of the Chesapeake, 26; made president of the colony, 27; returns to England, 28.
 Smithson, Samuel, bequest of, 439.
 "Somers," U. S. brig, mutiny, 448.
 Sons of Liberty, association of, 191.
 Soto, expedition of, in 1539, 14.
 Soule, P., minister to Spain, his course, 582.
 Southern commercial convention, 591.
 Spain, treaty with, 309; difficulties with, 581.
 Stamp Act, 190; repeal of, 193.
 Sterrett, captured the first Tripolitan ship in the war with the Barbary powers, 328.
 Stillwater, actions near, 260.
 Stony Point, stormed by General Washington, 275.
 Sumner, Charles, his speech in U. S. Senate, 1856, 605; assault upon, 624.
 Synod, called at Cambridge, Massachusetts, for the trial of Mrs. Hutchinson, 52.
 Tarleton, defeat of, at Cowpens, 282.
 Taylor, Zachary, campaign of, in the Mexican war, 463; inauguration of, 515; death of, 520.
 Tea sent to the United States, 208; destroyed at Boston and other places, 209.
 Texas, recognition of, 440; annexation of, 451, 457.
 Ticonderoga, Fort, unsuccessful attack on, 172; taken by the English, 174.
 Tobacco, cultivated in Virginia, 32.
 Trenton, 403; battle of, 252.
 Trial of the witches in New England, 69.
 Tripoli, bombarded by the fleet of the United States, 324.
 Trist, N. P., mission of, to Mexico, 475.
 Tucker and Talbot, naval heroes of the revolution, 231.
 Tyler, John, inaugurated, 443; administration of, 445.
 Utah, organization of the territory of, 517.
 Van Buren, inaugurated, 435; address, 435.
 Vera Cruz and San Juan de Ulloa, surrender of, 473.
 Verazzani, expedition of, 12.
 Vessels, number of, taken from the British during the revolutionary war, 230.
 Victoria City, taking of, 470.
 Virginia, history of, 20; partly colonized by Sir W. Raleigh, 22; permanent colony, 25; second charter of, 27; disastrous state of the colony, 28; third charter, 30; divided into proprietorships, 31; tyranny of Captain Argal, 32; Sir G. Yeardley appointed governor, 32; convokes the eighteenth assembly, 32; culprits transported hither, 33; proceedings in England against the colony, 34; dependent on the crown, 34; state of, during the commonwealth, 35; Navigation Act, 36; insurrection against it, 37; suppressed, 37; various governors, 38; resolutions of the House of Burgesses, 188; proceedings of the House of Burgesses, 208; convention and declaration, 212; descent of the British on, 274.
 War, with Indians under Tecumseh, 338; with Mexico, 456.
 Ward, Artemas, general and commander-in-chief of the provincial army, before the appointment of George Washington, 225.
 Warren, Joseph, who fell in the battle of Bunker Hill, his life and character, 226.
 Washington, city of, burned, 340.
 Washington, Fort, capture of, 351.
 Washington, General, early operations of, 166; his prudence in the command of the army, 237; bold operations of, and battle of Trenton, 253; resigns his command of the army, 297; his administration, 301; his farewell address, 310; he retires to Mount Vernon, 315; his death, 319; memoir of, 319; his literary acquirements, 298.
 Webster's eulogy on Adams and Jefferson, 365; reply to Col. Hayne, 399; letter to governor of Texas, 520; reply to Mr. Hulsemann, 538; death of, 552.
 Wesley, John, visits Georgia, 156.
 Wessagusset, Weston's settlement at, 46.
 Whitefield, George, visits New England, 94; Georgia, 157; life of, 159.
 William and Mary College, Virginia, 39.
 William Henry, Fort, destruction of, 170.
 Williamsburg, meeting of delegates at, 213.
 Williams, Colonel, killed in Johnson's fight, 169.
 Williams, Roger, persecuted and banished from Massachusetts, 50; his character, 51; memoir of, 108.
 Wilmot proviso, 514.
 Wisconsin, admitted as a state, 514.
 Witchcraft, in New England, 68; trials and executions for, 69.
 Wolcott, major-general in war of 1745; at the taking of Louisbourg, 76.
 Wolfe, General, death of, 176.
 Wollaston, establishment of Mount, 46.
 Wompam, Indian money, how obtained, 112.
 Woodhull, General, life, services, and tragical death of, 247.
 Yale College, founded, 90; general synod at, 90; expulsion of students from, 96.
 Yamassee war, 149.
 Yorktown, attacked and carried, 287.



INTRODUCTION.

THE history of the United States presents a marked contrast with that of the nations and countries of the old world. The latter, commencing in the shadowy traditions of remote ages, comes down from barbarism or semi-civilization, through the slow progress of many centuries. The former, commencing less than three centuries back, when the civilized world had just emerged from the "middle ages," and a new life was infused into its material, intellectual, and moral condition, comprises the period of man's greatest progress in each of these conditions, and exhibits the wonderful growth of a nation planted on a new soil, and under the new influences of the modern ages.

Previous to the settlement of the country by European colonists, the history of America, and especially of the part comprised within the limits of the United States, is a blank page, on which it is hardly possible to write even the most vague traditions. Within the tropics the inhabitants were more advanced towards civilization; and ruins found in those regions, and

extending more or less to the north, indicated, according to the views of some, a still greater degree of civilization, in some previous age, on the part of a people who had been forced to yield to the fiercer barbarism of the north. But all that is known of the previous history of these people is from uncertain traditions, and the unreliable stories of the old Spanish writers who came over with the early expeditions to Mexico.

That any colony was established in this country by Northmen, or that the continent was discovered by them in the eleventh century, as is claimed by some Danish writers, is as uncertain as the traditions of the aborigines. It is said that they not only explored the Atlantic coast from Labrador to Carolina, but that they made a settlement in the southeastern part of New England, to which country they gave the name of Vinland; and the mysterious inscriptions on the "Dighton Rock," in Massachusetts, and even the old building at Newport, in Rhode Island, are considered by some as evidences of the presence and set-

tlement of these early explorers. The whole story, however, rests on narratives obscure in meaning, which recite the exploits of old vikings, the heroes and demigods of northern mythology, and the location of these exploits is mere conjecture. But if the supposition were true, the adventurers could have formed only a temporary lodgment, all traces of which disappeared long before the actual settlement of the country, unless the inscriptions and structure alluded to are indeed the work of their hands.

At the time of the establishment of settlements by the Europeans, the whole country was a vast wilderness, for the most part covered with a dense forest, except where at the west it opened into the wide prairies, or still farther west, where the wild and desert plains extended to the mountain ranges, presenting the same appearance as now.

This vast extent of country was held, though scarcely occupied, by the Indian tribes, who were scattered over it very sparsely, and ranged the interminable forests in pursuit of the game which was sufficiently abundant to supply their wants. The greater part of the aborigines, comprising the largest and most powerful tribes, were east of the Mississippi. The entire number of these has been estimated to be between two and three hundred thousand. This number, to occupy so large a territory, it will be seen, is very small, and the country may well be considered to have been an unpeopled wilderness. A brief glance at these Indian tribes, as they existed at the period of the settlement of the various parts of the country, and as they came in contact with the white man, may not be inappropriate in this place, before the reader enters upon the history of events with many of which they were connected.

The various tribes so closely resembled each other in features, color, general appearance, and customs, that to the early settlers they seemed to be all of one family, notwith-

standing there might have been some slight differences in the customs, dress, and minor characteristics of those living in different parts of the country. But the investigations of those who have made the aborigines a study have led to the grouping of the numerous tribes into eight great families, the whole or portions of each of which have been found east of the Mississippi.

The Algonquin was the largest of these families, and embraced a great number of tribes, including most of those connected with the history of the early settlers. It occupied nearly half of the territory east of the Mississippi, and extended even north of the St. Lawrence, and in numbers it probably exceeded all the other families combined. Among the tribes of this family were the Abenakis, the Pautuckets, the Massachusetts, the Pokanokets, the Narragansetts, the Pequots, and the Mohegans, of New England; the Manhattans of New York; the Lenni Lenape, or Delawares, the Susquehannas, and the Nanticokes of New Jersey, Pennsylvania, and Maryland; the Powhattans of Virginia, and the Pamlicos of South Carolina; and west of the Alleghanies, the Ottawas, the Chippewas, the Miamis, the Illinois, and the Shawanoes. This list, however, comprises only a part of the tribes, many smaller ones being scattered about among the larger. The Lenni Lenape, or Delawares, were the central tribe of this widely-extended family, and their name, which signifies *aborigines*, is supposed to distinguish them as the parent stock of the Algonquins. The common characteristic which marked these various tribes as of one family, was their language, which was spoken, though in different dialects, by all. But though their relationship has thus been established by the researches of the civilized student, long after the glory of the race had departed, many of these tribes were frequently at war with each other, and seemed to have no ties of relationship whatever, but rather traditional causes

for hatred and hostility. Some of the smaller tribes in this way became extinct, or by their increasing weakness were at last absorbed into some more powerful tribes of their allies.

The next most important family was the Iroquois, or Huron Iroquois, as they are sometimes designated, who occupied the western part of New York and a portion of Canada north of Lakes Ontario and Erie. The Iroquois proper were composed of five tribes, the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas, who were united in a remarkable confederacy, and were called by the Europeans the Five Nations. The Hurons and the Eries were the other principal tribes of the Huron Iroquois family. The Five Nations occupied the central and western part of New York. They were distinguished above many other tribes for their intelligence as well as warlike qualities. Their confederacy was maintained with the greatest care for many years, and this union gave them a strength exceeding that of any of the single tribes with whom they were from time to time at war. They had encroached upon the territory of the Lenni Lenape, and in a great measure subdued that tribe, which is supposed once to have been the most powerful of the Algonquin family. They were surrounded by the Algonquin tribes, but they maintained their position and extended their possessions, until, in common with the whole Indian race, they were compelled to retreat before the white man. The Five Nations afterwards became the Six Nations, (by which name they are known in their later history,) by the migration of a kindred tribe, the Tuscaroras, who had established themselves far to the south, in Carolina and Virginia.

The Mobilian family, from the extent of territory occupied, is the next most important group of tribes. It extended over the southern portion of the country, from Carolina to the Mississippi, including Florida and the coast of the Gulf of Mexico. In this family were

the Creeks, the most powerful of the southern tribes, who maintained a confederacy with neighboring tribes similar to that of the Iroquois, and were thus more formidable not only to their native foes, but to the white man. The Seminoles, with whom the Creeks were allied, and with whom the last contest between the Indian and the white race east of the Mississippi was maintained, also belonged to the Mobilian family. The other tribes were either small or came little in contact with the settlers.

The three families above named occupied the greater part of the territory comprising the United States east of the Mississippi; but there were other tribes which have been assigned to distinct families. Among these were the Winnebagoes, who occupied lands on the western shore of Lake Michigan, and who belonged to the Dahcotah family. This family was, with the exception of the Winnebagoes, and perhaps one or two other small tribes, composed of tribes living west of the Mississippi, and known in the more recent history of the western progress of civilization. The Iowas, Osages, Kansas, and other tribes whose names are still familiar, belong to the Dahcotah family.

The Catawbias and the Uchees, said to have been once powerful tribes, but never formidable since known to the whites, are also considered distinct families, the language of the latter being extremely harsh and guttural.

The Cherokees occupied the mountain ranges of the central part of the country, comprising portions of what is now the States of Tennessee, Kentucky, Georgia, and probably Virginia and North Carolina. They were originally a hardy and formidable tribe, and have since become more civilized than other of the native tribes, while they have also shown a remarkable exception to the general rule, and have really flourished and increased in numbers under the influence of civilization. The Natchez, inhabiting a territory immediately east of the

Mississippi, are supposed to have migrated from Mexico after the conquest by Cortez.

The four last named tribes are sometimes grouped in the Mobilian family, and the division into more than four distinct families may be rather the result of too nice distinctions discovered or fancied in the rude language of these savages, than of real differences which would presuppose any different origin. The most marked distinction between the various tribes was, that some lived by the chase alone, while others lived not only by the chase, but by agriculture. The Mobilian family comprised those who gave some attention to agriculture; and whether from living in a warmer and more genial climate, or from other causes, as a different origin, they were not so rude as the hunters of the north.

Still the Indians were every where much the same, with similar customs and institutions; every where untamed savages, leading the life of hunters or warriors. In some respects their institutions were comparatively advanced, as in the government of their tribes, the association of tribes in a confederacy, and the recognition and maintenance of some simple individual and social rights. To these institutions and to their tribes they always exhibited a devoted patriotism. But however their patriotism and bravery might suffice to cope with each other, they were no match, with their simplicity and ignorance of the useful arts, for the shrewdness, skill, and energy of the whites. They found their lands invaded and stolen from them as often as fairly purchased, and in their intercourse with civilized man they have met with wrong and injury. Often they resisted, and have visited upon the whites a terrible vengeance for their wrongs. But their resources were few, their numbers diminished, and they receded before the tide of civilization, until the vast territory occupied by the three great families, the Algonquin, Iroquois, and Mobilian, now scarcely contains a remnant of them all.

Such was the condition of the country—a vast wilderness, inhabited by these various tribes of savages and the game upon which they subsisted, when a few European colonies were planted along the Atlantic coast. Hitherto, ages had brought few changes, save those wrought by nature, throughout the whole continent; but the civilization thus planted needed only to be well established in order to effect a complete and wonderful change within the space of a few generations only.

In about a century and a half from the successful planting of the colonies, after the vicissitudes which must necessarily attend their situation, they had become firmly established. Settlements had been pushed into the interior along the rivers, and some bold pioneers had crossed the Alleghanies. But with the exception of a few trading posts and forts established by the French along the great lakes and on the great rivers of the west, the white population was confined to the Atlantic slope of the Alleghanies, and chiefly to places along the coast, or on the rivers. The population at this period (1760) was estimated at about one million seven hundred thousand. The chief towns, Boston and Philadelphia, had each about eighteen thousand inhabitants, and New York about twelve thousand. With the increase of population came an increase of wealth, and though the colonists were simple and frugal in their habits, yet the comforts and even the luxuries of life had taken the place of the want and suffering endured by the early settlers. The Indians had retreated before the march of civilization, and were known and feared only on the frontier, which was practically much more distant than the farthest settlement on our western frontier at the present time. The facilities for communication between the colonies and the different settlements were yet very limited. Along the coast communication was had mostly by small vessels, and in the interior the traveller was obliged to resort to chance conveyance, or

more frequently accomplished his journey on horseback. Between New York and Philadelphia wagons were run once or twice a week, the journey being accomplished in two days, in 1766, which was thought to be a great achievement. The first stage coach was run between Boston and Providence in 1772, taking two days for the journey.

The printing press had at an early period been brought to America, but it had not been used without restrictions. The first newspaper was published in 1704, and in 1750 there were only seven published in all the colonies. Just previous to the revolutionary struggle, however, the press became of more importance, as well as more bold and free, and the newspapers increased, though few, if any, were issued more than once a week. Before this time few books had been published, and those were chiefly religious and historical treatises, or, as the struggle between the colonies and the mother country approached, political essays.

Industry and energy characterized the people, and whether in agriculture, commerce, or manufactures, they achieved success, notwithstanding the discouragements and restrictions which were imposed upon the two latter by the mother country—for England had become the possessor of all the territory which had at first been settled by various nations. Education in most of the colonies was encouraged by the establishment of common schools and colleges, which flourished under the fostering care of the government. A sense of the strength and the importance of the colonies was prevalent among the people, and a common interest, as well as the ties of mutual trade and friendship, united them, and to some extent made them one nation. And thus were they able to go into that contest with the mother country which resulted in their independence.

But it was not till after the revolutionary war and the repose which was necessary for

a recovery from the effects of so exhausting a struggle, that the country made that rapid progress which has brought it to the important position which it now occupies in the civilized world. From the time when the Union of the states was formed, and a permanent common government established, the nation began really to grow, the resources of the country to be developed, and progress to be made in all that pertains to civilized life. The great and constant discoveries and improvements made since that period in science and the arts have indeed opened a new era in the progress of the world; but the free institutions, and the intelligence and energy of the people, have here made available, and at the same time encouraged, such discoveries and improvements, and no other country has ever enjoyed such advantages and facilities for growth and advancement as the United States.

Contrast the aspect and condition of the country as before described, as it was when the few weak colonies were first planted on the Atlantic coast, with its present state of national development and political importance. From those few scattered settlements of two centuries and a half ago, and from the thirteen colonies of less than one century ago, have grown thirty-two free and sovereign states, extending from the Atlantic to the Pacific Oceans, and from the great lakes of the north to the Gulf of Mexico, and forming, in their union under one federal government, one of the foremost nations of the world. From the few hundreds of the early settlers, from the two millions of colonists at the revolutionary period, the population of the country has grown to upwards of thirty millions. Its chief commercial city numbers three quarters of a million of inhabitants, its second half a million, while numerous others, of a hundred thousand inhabitants and upwards, are growing up not only on the Atlantic coast, but on the great rivers of the west and on the Pacific. In wealth, in strength, in all the resources

which make a nation powerful, its progress has more than kept pace with the population. Its commerce extends to every part of the world, and every sea is whitened by its sails. Its products of agriculture, manufactures, and mining are consumed by distant nations. Forests have fallen and cities grown up, the desert has been made to bloom, the watercourses are dotted with mills. Steamboats plough the waters of its great rivers for thousands of miles from the sea, and for thousands of miles, in continuous line, railroads are constructed, connecting the Atlantic seaboard with the distant frontiers, and soon to stretch across the continent to new states on the Pacific coast, while the electric telegraph is extended in every direction, transmitting intelligence from the most remote points, and bringing together in instantaneous communication places divided by thousands of miles of distance.


While the country has thus increased in extent, population, and wealth, and the enterprise and energy of its people have made free use of scientific discoveries and improvements in the useful arts to develop its resources, it has grown also in the less material characteristics of civilization. Education is cared for in every part of the country. Colleges and seminaries of learning are to be found in every state, and in many the free schools offer to all opportunities for education rarely enjoyed elsewhere, except by the wealthier classes of society. Libraries of great magnitude, many of them free to the public, have been established in the larger cities, while those of less importance, but highly useful in their sphere, are growing up in every large community, and institutions for the diffusion of knowledge are found in almost every village. Valuable collections of art are not uncommon, and museums of natural history are being formed, which will in time rival those of the old world. The press, the great engine of civilization, pours out innumerable books and periodicals for the use of a larger

reading public than the world can elsewhere boast. Hundreds of daily and thousands of weekly newspapers are published, circulating widely among the people, and read by all. Instead of the few hundred diminutive sheets that were worked off with much toil and care in the days of the revolution, the improved printing machine turns off its hundred thousand copies of mammoth sheets daily, to be read by thrice that number of readers, in all parts of the country.

All these and other blessings of advanced civilization are enjoyed and fostered under free institutions, the germs of which were planted by the Pilgrims and others of the early settlers, and which grew with slow but sure growth, and at last became firmly established by the successful war of independence. And the United States stand among the foremost nations of the world as the Great Republic, an example alike of the success of self-government by the people, and of material and intellectual progress under free institutions.

The story of the change that has come over the aspect of this country, and its progress from an unproductive solitude to a land teeming with wealth, and an industrious, free, and highly civilized population, is one of great intrinsic interest, and to the American who sees and enjoys the blessings of the present it may well have surpassing attractions. Nor is it less a duty than a pleasure to become familiar with the record of that past which has produced the rich fruits of the present, and offers instruction for the future. That record, it is believed, is faithfully, fully, and attractively presented in the following pages; and whatever may be said of the later narrative of events which tread close upon the present, all that relates to the earlier period, down to the time of the present generation, is an impartial and reliable history. As such it is commended to the reader, with the assurance that it will prove alike interesting and instructive.

HISTORY OF THE UNITED STATES.



BOOK I.

DISCOVERY AND COLONIZATION OF NORTH AMERICA.

CHAPTER I.

FROM THE DISCOVERIES OF THE CABOTS TO THE SETTLEMENT OF VIRGINIA.

THE early history of most nations is of fabulous, or, at best, of doubtful character, and affords abundant opportunity for the exhibition of romantic conjecture. It might, however, have been naturally expected that no doubtful claims to the first visitation of a country so recently brought within the pale of history* as the American continent, should be found to exist; but this expectation is far from according with fact. Cambrian ambition, unsatisfied with claiming for her heroes the honour of being aboriginal Britons, would invest her sons also with the wreath of fame, as the discoverers of the western hemisphere. Dr. Powel (in his History of Wales) would have us believe that Madoc, son of Owen Gwyneth, prince of North Wales, reached the American shores in the year 1170; most probably, however, this worthy young prince did not extend his voyage of discovery beyond the coast of Spain, by no means an inconsiderable exploit for that age.*

* "Madoc, another of Owen Gwyneth his sonnes, left the land in contention betwixt his brethren, and prepared certaine ships, with men and munition, and sought adventures by seas, sailing west, and leaving the coast of Ireland so farre north, that he came unto a land unknown, where he saw many strange things. This land must needs be some part of that countrey of which the Spaniards affirme themselves to be the first finders since Hanno's time. Whereupon it is manifest that that countrey was by Brittaines discovered, long before Columbus led any Spaniards thither. Of the voyage and returne of this Madoc there be many fables fained, as the common people doe use in distance of place and length of time, rather to augment than to diminish: but sure it is, there he was. And after he had returned home, and declared the pleasant and fruitfull countreys that he had seene without inhabitants, and upon the contrary part, for what barren and wild ground his brethren

Of a far more probable character, though by no means uncontested, are the assertions of the Norwegian historians, who claim for their countrymen, confessedly the most adventurous navigators of the northern waters of the Atlantic in the earlier ages, the discovery of this vast continent, in the year 1001, designated Vinland by Biorn, their chief, from the profusion of wild grape-vines he found luxuriating in the plains. The discussion of this point, as also the narrative of the Zeni, we shall leave to those whose labours are less required in the more important practical researches which the nature of our undertaking especially embraces.†

In entering the region of indisputable authenticity, England ranks scarcely second to Spain, in the merit and the success of naval enterprise. It is a circumstance, however, too remarkable to be passed unnoticed, that England, Spain, and France, all derived their transatlantic possessions from the science and energy of Italian navigators, although not a single colony was ever planted in the newly-discovered continent by the inhabitants of Italy. Columbus, a Genoese, acquired for Spain a colonial dominion great

and nephewes did murder one another, he prepared a number of ships, and got with him such men and women as were desirous to live in quietnesse: and taking leave of his friends, tooke his journey thitherward againe. Therefore it is to be supposed that he and his people inhabited part of those countreys: for it appeareth by Francis Lopez de Gomara, that in Acuzamil and other places the people honored the crosse. Whereby it may be gathered that Christians had bene there before the comming of the Spantards. But because this people were not many, they followed the maners of the land which they came unto, and used the language they found there."—Hakluyt's Voyages, vol. iii. p. 1.

† Those of our readers who are desirous of indulging their curiosity on this subject, can refer to Murray's Historical Account of the Discoveries and Travels in North America, volume i. p. 14 to 36.

enough to satiate the most craving ambition ; but, reaping no personal advantage from his labours, excepting an unprofitable fame, after having been ignominiously driven from the world he had made known to Europeans, he died in poverty and disgrace.* Cabot, a Venetian, sailing in the service of England, conferred on that nation a claim, the magnitude and importance of which he never lived to comprehend.† Verazzani, a Florentine, explored America for the benefit of France ; but, sailing hither a second time, for the purpose of establishing a colony, he perished at sea.‡ Amerigo Vespucci gave his name to the new world, and thus rendered his reputation as durable, probably, as the world itself, but without acquiring any advantage for his native country.§

From this slight digression we return to the discoveries of Cabot. The exploits of Columbus having excited a great sensation among the English merchants, and at the court of Henry VII., the adventurous spirit of John Cabot, heightened by the ardour of his son Sebastian, led him to propose to the king to undertake a voyage of discovery, with the two-fold object of becoming acquainted with new territories, and of realizing the long-desired object of a western passage to China and the Indies. A commission was accordingly granted, on the 5th of March, to him and his three sons, giving them liberty to sail to all parts of the east, west, and north, under the royal banners and ensigns, to discover countries of the heathen, unknown to Christians ; to set up the king's banners there ; to occupy and possess, as his subjects, such places as they could subdue ; giving them the rule and jurisdiction of the same, to be holden on condition of paying to the king one fifth part of all their gains. By virtue of this commission a small fleet was equipped, partly at the king's expense, and partly at that of private individuals, in which the Cabots embarked, with a company of three hundred mariners. Our knowledge of this voyage is collected from many detached and imperfect notices of it in different authors, who, while they establish the general facts in the most unquestionable manner, differ in

many particular circumstances.¶ The most probable account is, that Cabot sailed north-west a few weeks, until his progress was arrested by floating ice-bergs, when he shaped his course to the south-west, and soon came in sight of a shore, named by him *Prima Vista*, and generally believed to be some part of Labrador, or Newfoundland. Thence he steered northward again, to the sixty-seventh degree of latitude, where he was obliged to turn back by the discontent of his crew. He sailed along the coast, in search of an outlet, as far as the neighbourhood of the gulf of Mexico, when a mutiny broke out in the ship's company, in consequence of which the farther prosecution of the voyage was abandoned. Cabot reached England with several savages and a valuable cargo, although some writers deny that he ever landed ; and it is certain, that he did not attempt any conquest or settlement in the countries which he discovered.

This voyage was not immediately followed by any important consequences ; but it is memorable as being the first that is certainly ascertained to have been effected to this continent, and as constituting the title by which the English claimed the territories that they subsequently acquired here. Through a singular succession of causes, during more than sixty years from the time of this discovery of the northern division of the continent by the English, their monarchs gave but little attention to this country, which was destined to be annexed to their crown, and to be one principal source of British opulence and power, till, in the march of events, it should rise into an independent empire. This remarkable neglect is in some measure accounted for by the frugal maxims of Henry VII., and the unpropitious circumstances of the reign of Henry VIII., of Edward VI., and of the bigoted Mary ; reigns peculiarly adverse to the extension of industry, trade, and navigation.

While English enterprise lay dormant, both France and Spain were on the alert. The French flag had not yet, indeed, waved on the western shores of the Atlantic. A monarch of such spirit as Francis I., however, could not be content to see Charles, his

* Irving's Life of Columbus.

† Belknap's Biog. vol. i. p. 33. Hakluyt, vol. iii. p. 295—300.

‡ Hakluyt, vol. iii. p. 6, et seq.

§ Bandini, Vita e Lettere d'Amerigo Vespucci.

¶ "An extract taken out of the map of Sebastian Cabot, cut by Clement Adams, concerning his discovery of the West Indies, which is to be seene in her Majesties prive gallerie at Westminster:—In the yere of our Lord, 1497, Iohn Cabot, a Venetian, and his sonne Sebastian, (with an English fleet, set out from Bristoll,) discovered that land which no man before that time had attempted, on the 24th of June, about five of the clocke, early in the morning. This land he called *Prima Vista*, that is to say, first seene, because, as I suppose, it was that part whereof they had the first sight from sea. That island which lieth out before the land, he called the

Island of St. Iohn, upon this occasion, as I thinke, because it was discovered upon the day of Iohn the Baptist. The inhabitants of this island use to weare beasts skinned, and have them in as great estimation as we have our finest garments. In their warres they use bowes, arrowes, pikes, darts, wooden clubs, and slings. The soile is barren in some places, and yeeldeth litle fruit, but it is full of white beares and stagges, farre greater than ours. It yeeldeth plenty of fish, and those very great, as seales, and those which commonly we call salmons: there are soles also above a yard in length: but especially there is great abundance of that kinde of fish which the savages call *baccalaos*. In the same island also there breed hawks, but they are so blacke that they are very like to ravens, as also their partridges and eagles, which are in like sorte blacke."—Hakluyt, vol. iii. p. 6.

rival, carrying off all the brilliant prizes offered by the new world. He listened readily to the suggestion, that he too should send an expedition to the west, for the discovery of kingdoms and countries unknown; and Juan Verazzano, a Florentine, who had distinguished himself by successful cruises against the Spaniards, was sent with a vessel, called the *Dolphin*, to the American coast. In this voyage he discovered, with a considerable degree of accuracy, the coast of Florida. The whole extent of his discovery was upwards of 700 leagues of the North American coast, which he named New France.* He made another voyage the next year; but its records are equally brief and fatal:—Ramusio gives neither date, nor place, nor country; but states, that having landed with some of his crew, Verazzano was seized by the savages, and killed and devoured in the presence of his companions on board, who sought in vain to give any assistance. Such was the fate of one of the most eminent navigators of that age, whom Forster ranks as the type of Cook, both as to his exploits during life, and the dreadful mode of his death. The gloomy impression produced by the tragic fate of Verazzano, seems to have deterred others for some time from such enterprises; and, for several succeeding years, neither the king nor the nation seem to have thought any more of America.

After a lapse of ten years, on a representation made by Philip Chabot, admiral of France, of the advantages that would result from establishing a colony in a country from which Spain derived her greatest wealth, these enterprises were renewed, and Jacques Cartier, a bold seaman of St. Malo, who proposed another voyage, was readily supplied with two ships, under the direction of the *Sieur de Melleraye*, then vice-admiral of France. He set sail on the 20th of April, 1534, and on the 10th of May came in view of Cape Bonavista. As large masses of ice, however, were still floating about the coast, he deemed it wise to enter a harbour, which he called St. Catherine, and to remain there ten days. The sea then becoming favourable, he came out, and stood to the north, sailed almost round Newfoundland, and discovered the Baye des Chaleurs, and the Gulf of St. Lawrence. Having sailed to the fifty-first degree of latitude, in the fruitless hope of passing to China, he returned, in April, to France, without making a settlement.

A larger expedition was equipped the next spring, and they proceeded direct to Newfoundland. Discovering now the river of Canada, which gradually

obtained the name of St. Lawrence, he sailed up this noble stream three hundred leagues, to a great and swift fall; formed alliances with the natives; took possession of the territory; built a fort; and wintered in the country, which he called New France. In sailing up the St. Lawrence, he discovered Hazel or Filbert Island, Bacchus Island, since called the Isle of Orleans, and a river, which he called St. Croix, since called Jacques Cartier's River, where he laid up his ships. From this river, before his final departure, partly by stratagem and partly by force, he carried off Donnacona, the Indian king of the country. He at this time visited Hochelaga, a large Indian settlement, which he called Montreal, where the French were well received; but they were soon infected with the scurvy, of which a considerable number died. The next spring, Cartier, taking with him Donnacona, and several of the natives, returned with the remains of his crew to France, and expatiated to the king on the advantages that would probably result from a settlement in this country, principally by means of the fur trade; but the fallacious opinion, then prevalent among all the nations of Europe, that such countries only as produced gold and silver were worth the possession, had such influence on the French, that they slighted the salutary advice of Cartier, and deferred making any establishment in Canada. But, although this object was generally neglected, individuals entertained just sentiments of its importance, and among the most zealous for prosecuting discoveries and attempting a settlement there, was John François de la Roche, lord of Roberval, a nobleman of Picardy. King Francis I., convinced at length of the expediency of the measure, resolved to send Cartier, his pilot, again, with Roberval, to that country. He accordingly furnished Cartier with five vessels for the service, appointing him captain-general, and Roberval his lieutenant and governor in the countries of Canada and Hochelaga. When the fleet was ready for sea, Roberval was not prepared with his artillery, powder, and munitions; but Cartier, having received letters from the king, requiring him to proceed immediately, sailed with five ships on the 23d of May, and after a very long and boisterous passage arrived at Newfoundland. Having waited here a while in vain for Roberval, he proceeded to Canada; and on the 23d of August arrived at the haven of St. Croix.

After an interview with the natives, Cartier sailed up the river, and pitched on a place about four

* Hakluyt, vol. iii. p. 295—300, where is Verazzano's own account of his voyage, sent to Francis I. written in Dieppe the 8th of July, 1524. See also *Universal History*, vol. xxxix. p. 406.

Forster, *Voy.* p. 432—436. Belknap, *Biog.* vol. i. p. 33. Harris's *Voy.* vol. i. p. 810. Purchas, vol. i. p. 769. Chambers, vol. i. p. 512.

leagues above St. Croix, to lay up three of his ships for the winter; the other two he sent to France, to inform the king of what they had done, and the disappointment of his expectations in the non-arrival of Roberval. At the new harbour there was a small river, and on the east side of its entrance, a high and steep cliff. On the top of this cliff he built a fort, and called it Charlesborough. Below, the ships were drawn up and fortified. After the fort was begun, Cartier went up the river with two boats furnished with men and provisions, with the intention of proceeding to Hochelaga; leaving Viscount Beauprê to govern during his absence. Having again explored the St. Lawrence, viewed the falls on that river, and had interviews with the natives, Cartier returned to the fort. Finding, on his return, that the Indians had discontinued their visits and traffic, and shown signs of hostility; that his provisions were spent, and that Roberval had not arrived, he prepared to return to France. Meanwhile, Roberval had been engaged in the prosecution of his design of reinforcing Cartier, and carrying forward the projected settlement of Canada. Whatever had retarded his embarkation, he at length sailed from Rochelle with three ships and two hundred persons, and arrived at St. John's harbour in Newfoundland; and while there, Cartier and his company arrived at the same harbour from the St. Lawrence. He informed Roberval of his intended return to France; yet commended the country of Canada as very rich and fruitful. Though the viceroy had brought a sufficient supply of men, military stores, and provisions, to dispel the fearful apprehensions of the adventurers, and had commanded Cartier to remain with him; yet Cartier, persisting in his purpose, eluded him in the night, and sailed for Bretagne. Roberval proceeded up the St. Lawrence, four leagues above the island of Orleans, where, finding a convenient harbour, he built a fort, and remained through the winter. In the following spring, he went higher up the river, and explored the country; but he appears soon after to have abandoned the enterprise. The colony was broken up; and for half a century the French made no farther attempt to establish themselves in Canada.

For the sake of continuity of narrative, in recording the attempts of France to colonize a portion of North America, we have been necessitated to deviate slightly from the direct order of chronological succession. It was in the year 1528, that Pamphilo de Narvaez, having obtained from Charles V. of Spain, the indefinite grant of all the lands lying from the River of Palms to the Cape of Florida, with a commission to conquer and govern the provinces within

these limits, sailed in March from Cuba, with five ships, on board of which were four hundred foot and twenty horse, for the conquest of that country. Landing at Florida, he marched to Apalache, a village consisting of forty cottages, where he arrived on the 5th of June. Having lost many of his men by the natives, who harassed the troops on their march, and with whom they had one sharp engagement, he was obliged to direct his course toward the sea. Sailing to the westward, he was lost with many others, in a violent storm, about the middle of November; and the enterprise was frustrated.

Calamitous as was the issue of the expedition of Narvaez, it did not prevent, in that age of enterprise, captains of eminence from pursuing ardently the same course. Fernando de Soto, a native of Badajos, originally possessing only courage and his sword, had been one of the most distinguished companions of Pizarro, and a main instrument in annexing to Spain the golden regions of Peru: but in the conquest of Peru his part had been secondary—the first prize had been carried off by another; and he now sought a country, the glory of conquering and the pride of ruling which should be wholly his; and his wishes were fulfilled. He was created Adelantado of Florida, combining the offices of governor-general and commander-in-chief. On the 18th of May, 1539, Soto sailed from Havannah, on the Florida expedition, with nine vessels, nine hundred men besides sailors, two hundred and thirteen horses, and a herd of swine. Arriving on the 30th of May at the bay of Espiritu Santo, on the western coast of Florida, he landed three hundred men, and pitched his camp; but, about the break of day the next morning, they were attacked by a numerous body of natives, and obliged to retire.* Having marched several hundred miles, he passed through the Indian towns of Alibama, Talisee, and Tescalusa, to Mavila, a village enclosed with wooden walls, standing near the mouth of the Mobile. The inhabitants, disgusted with the strangers, and provoked by an outrage committed on one of their chiefs, brought on a severe conflict, in which two thousand of the natives and forty-eight Spaniards were slain. A considerable number of Spaniards died afterwards of their wounds, making their entire loss eighty-three; they also lost forty-five horses. The village was burnt in the action. After this engagement, Soto retreated to the territory of Chicaça, where he remained until April of this year. His army, now resuming its march through the Indian territory, was reduced to about three hundred men

* Herrera, d. 6. lib. 7. c. 9. Belknap, Biog. Art. Soto. Biblioth. Americ. p. 37. Purchas, vol. v. p. 1528—1565.

and forty horses. Soto, having appointed Lewis de Moscoso his successor in command, died at the confluence of the Guacoya and Mississippi. To prevent the Indians from obtaining a knowledge of his death, his body was put into an oak, hollowed for that purpose, and sunk in the river. Soto was only forty-two years of age, and had expended 100,000 ducats in this expedition. The small remains of his army, consisting of three hundred and eleven men, arrived at Panuco on the 10th of September, 1543; and the great expedition to Florida terminated only in the poverty and ruin of all who were concerned in it.

We must now advert to some of the most interesting but lamentable events that the history of colonization affords, in which the deadly poison of religious bigotry was deeply intermingled with the hostility excited by commercial jealousy.—The decided indications of a violent spirit of persecution, on the part of the Catholic priesthood of France, induced the brave Coligny to make an experiment, which might have issued in the provision of a safe retreat for a considerable portion of the oppressed Protestants. He formed a party of Huguenots, among whom were several of high respectability, who sailed under the command of Ribault, an officer of considerable spirit, with the intention of colonizing Florida. After a favourable voyage he arrived at the entrance of a river which he called May, from the month in which he reached the coast. He here erected a fort, and then, imprudently sailed for France, to bring out a re-enforcement. Albert, to whom he delegated his authority during his absence, appears to have been both unworthy and incompetent for so important a situation. From his extreme severity and ill management, the colonists formed an inveterate hatred against him, which terminated in his death. In the excitement of internal dissensions, the settlers had paid little or no attention to the production of food; and were compelled, after exhausting nearly all their stores, to make the desperate attempt of re-crossing the Atlantic with the small remainder of their provisions. Being detained by a calm, they had commenced preying upon one another, when they were providentially delivered from their unhappy condition by an English vessel, which conveyed them to their own country.

During the abode of these unfortunate men in Florida, Coligny had been so deeply engaged in the dissension at home, which had ripened into an open rupture and a civil war, that he was prevented from sending his intended re-enforcement; but no sooner had peace been concluded, than he despatched a fresh expedition, under M. René Laudonniere, who

arrived in the river May, on the 25th of June, 1564. After sailing northward about ten leagues, he returned to the May, and erected a fort, which, in honour of his sovereign, he styled Fort Caroline. He proved, however, inadequate to the difficult task of presiding over a number of spirited young men, in a state of great excitement from the disappointment of their expectations, which had dwelt upon the prospect of golden harvests and unbounded wealth. Plots were formed against his life, and he was on the point of leaving, with the remains of his colony, for Europe, when a new expedition, under the command of Ribault, entered the river. That officer superseded Laudonniere, only, however, to experience still more melancholy disasters. Scarcely a week had passed after his arrival, when eight Spanish ships were seen in the same river, where several of the largest French vessels were lying at anchor. As the Spanish fleet made towards them, the French cut their cables, and put out to sea. Although they were fired upon and pursued, they escaped; but, finding that their enemies had landed on the shores of the river Dolphin, about eight leagues distant, they returned to the May. Ribault now called a council at Fort Caroline, which decided, that they ought to strengthen the fort with all possible diligence, and be prepared for the enemy. He was himself, however, of a different opinion. Apprehensive of the defection of the friendly and auxiliary natives, if they should discover that, at the first approach of the Spaniards, they should confine themselves to their camp and fortifications, he judged it best to proceed against the enemy at once, before they could collect their forces and construct a fortification in their vicinity. To strengthen this view, he produced a letter from Admiral Coligny, containing these words: "While I was sealing this letter, I received certain advice that Don Pedro Menendez is departing from Spain, to go to the coast of New France. See that you suffer him not to encroach upon you, and that you do not encroach upon him." It was, indeed, the fleet of Menendez, which had just arrived on the coast, and given the alarm. Philip II. had given him the command of a fleet and an army, with full power to drive the Huguenots out of Florida, and settle it with Catholics. Fixed in his purpose, Ribault instantly took all the best of his men at Fort Caroline, and set sail in pursuit of the Spanish fleet, leaving Laudonniere in charge of the fort, without any adequate means of defence. Most unfortunately he was overtaken by a tremendous storm, which destroyed all the vessels, the men only escaping.

Menendez now began to consider what advantage

he could take of this state of affairs. It appeared to him, that, by pushing across the country, he would have every chance of reaching the fort before circumstances would admit of Ribault's return. He set forth immediately with five hundred of his best troops, and, after overcoming the formidable obstacles of swamps swelled by torrents of rain, on the evening of the fourth day arrived within view of the fort. At day-break, Menendez mounted the hill, and saw no appearance of any watch, and, before Laudonniere could muster his little garrison, the Spaniards had rushed in and begun an indiscriminate massacre of men, women, and children. Laudonniere, though worn down with sickness, escaped from the fort with about twenty others, who concealed themselves in the woods. In this extremity, six of them ventured to throw themselves on the mercy of the Spaniards; but they were cruelly massacred in sight of their companions. Laudonniere, seeing no way of escape but by getting over the marshes to the ships at the mouth of the river, led the way, and several of his men followed him through the swamp into the water. Unable to proceed, he sent two of them, who could swim well, to the ships for help. At length he was carried on board a French shallop, which was in search of them, and, having picked up the remaining fugitives, who were concealed among the reeds, carried them to a little ship at the mouth of the river. In this they undertook to reach their native country; on their voyage they encountered want, cold, hunger, and thirst, but they ultimately entered, in a miserable state, the port of Bristol, where they met a hospitable reception. A more tragic end awaited Ribault; all his vessels were dashed to pieces (as we have before observed) in the tempest, which lasted some days. With great difficulty the crews succeeded in reaching the shore, and directed their steps towards the fort. After a toilsome journey of nine days through a rugged country, what was their amazement and grief to find the fort in the hands of the inveterate enemies, alike of their enterprise and their faith! Many of them were for enduring the worst extremity, rather than fall into the hands of the Spaniards; but Ribault, judging their situation otherwise wholly desperate, determined to open a treaty with Menendez, who received them in the most courteous manner, and pledged himself, on the faith of a soldier and a gentleman, that they should be well treated, and sent back to their country. Upon this pledge, the French delivered up their arms; but when they were all assembled on a plain in front of the castle, Menendez, with his sword, drew a line

round them on the sand, and then ordered his troops to fall on, and make an indiscriminate massacre. The bodies were not only covered with repeated wounds, but cut in pieces, and treated with the most shocking indignities. A number of the mangled limbs of the victims were then suspended to a tree, to which was attached the following inscription:—"Not because they are Frenchmen, but because they are heretics and enemies of God."

When intelligence of this barbarous massacre reached France, it excited an almost universal feeling of grief and rage, and inspired a desire for vengeance of corresponding intensity. Though Charles IX. was invoked in vain, by the prayers of fifteen hundred widows and orphans, to require of the Spanish monarch that justice should be awarded against his murderous subjects, there was, in the nation itself, an energy which provided an avenger. Dominique de Gourgues determined to devote himself, his fortune, and his whole being, to the achievement of some signal and terrible retribution. He found means to equip three small vessels, and to put on board of them eighty sailors, and one hundred and fifty troops. Having crossed the Atlantic, he sailed along the coast of Florida, and landed at a river about fifteen leagues distance from the May. The Spaniards, to the number of four hundred, were well fortified, principally at the great fort, begun by the French, and afterwards repaired by themselves. Two leagues lower, towards the river's mouth, they had made two smaller forts, which were defended by a hundred and twenty soldiers, well supplied with artillery and ammunition. Gourgues, though informed of their strength, proceeded resolutely forward, and, with the assistance of the natives, made a vigorous and desperate assault. Of sixty Spaniards in the first fort, there escaped but fifteen; and all in the second fort were slain. After a company of Spaniards, sallying out from the third fort, had been intercepted, and killed on the spot, this last fortress was easily taken. All the surviving Spaniards were led away prisoners, with the fifteen who escaped the massacre at the first fort; and, after having been shown the injury that they had done to the French nation, were hung on the bows of the same trees on which the Frenchmen had been previously suspended. Gourgues, in retaliation for the label Menendez had attached to the bodies of the French, placed over the corpses of the Spaniards the following declaration:—"I do not this as to Spaniards nor as to mariners, but as to traitors, robbers, and murderers."* Having razed the three

* Hakluyt, vol. iii. p. 356—360; and Charlevoix, *Nouv. France*, vol. i. p. 95—106.

forts, he hastened his preparation to return; and on the 3d of May embarked all that was valuable in the forts and set sail for La Rochelle. In that Protestant capital he was received with the loudest acclamations. At Bordeaux these were reiterated, and he was advised to proceed to Paris, where, however, he met with a very different reception. Philip had already an embassy demanding his head, which Charles and Catherine were not disinclined to give, and had taken steps for bringing him to trial, but they found the measure so excessively unpopular, that they were obliged to allow him to retire into Normandy. Subsequently he regained royal favour, and found ample employment in the service of his country.

Thus terminated the attempts of the French Protestants to colonize Florida. Had the efforts of Ribault or Laudonniere been supported by the government, France might have had vast colonial dependencies before Britain had established a single settlement in the New World, instead of inscribing on the pages of history a striking instance of the ruinous and enduring effects of religious hatred, alike on individual and national fortune.

It has been observed, by one of the most eminent statesmen this or any other country ever produced—one who took a peculiar interest in the progress of the New World—that the present age bears in many points a striking resemblance to that of Queen Elizabeth, and certainly in no respect are the periods more assimilated, than in the singular, and to many, the inexplicable combination of commercial activity and general distress. That poverty among the lower and middling ranks of society was one of the strongest motives to colonization in the days of Elizabeth, as well as our own, the records of history

do not permit us to doubt;* and if benefits accrue to the world, in the proportion in which the extent of emigration now exceeds that of the period of our present researches, posterity will see reason to admire the dispensations of Providence, which, however unwelcome to the present, are so richly beneficial to the future ages.

Before entering on the transactions which are so highly honourable to the reign of Elizabeth, it is our duty to record an event which almost may be said to counterbalance, in its baneful results, all the advantages, either to the Old World or the New, that render celebrated the era of the British Queen—the commencement of the slave trade. The first Englishman who brought this guilt upon himself and his country was Sir John Hawkins, who afterwards attained so much nautical celebrity, and was created an admiral, and treasurer of the British navy. A subscription was opened and speedily completed by Sir Lionel Duckett, Sir Thomas Lodge, Sir William Winter, and others, who plainly perceived the vast emolument that might be derived from such a traffic. By their assistance Hawkins was enabled to set sail for Africa in the year 1562, and, having reached Sierra Leone, he began his commerce with the negroes.† While he trafficked with them in the usual articles of barter, he took occasion to give them an inviting description of the country to which he was bound, contrasting the fertility of its soil and the enjoyments of its inhabitants with the barrenness of Africa and the poverty of the African tribes. The negroes were ensnared by his flattering promises, and three hundred of them, accepting his offer, consented to embark along with him for Hispaniola. On the night before their embarkation, they were attacked by a hostile tribe; and Hawkins hastening

* Edward Haies, in his report of the voyage of Sir Humphrey Gilbert, has the following observations on the motives to colonize which then prevailed:—"If his motives be derived from a vertuous and heroycall minde, preferring chiefly the honour of God, compassion of poore infidels captived by the devill, tyrannizing in most wonderfull and dreadfull maner over their bodies and soules, advancement of his honest and well disposed countreyemen, willing to accompany him in such honourable actions, *reliefe of sundry people within this realme distressed*: all these be honorable purposes, imitating the nature of the munificent God, wherwith he is well pleased, who will assist such an actour beyond expectation of man. And the same, who feeleth this inclination in himselfe, by all likelihood may hope, or rather confidently repose in the pre-ordinance of God, that in this last age of the world, or likely never, the time is compleat of receiving also these Gentiles into his mercy, and that God will raise him an instrument to effect the same: it seeming probable, by event of precedent attempts made by the Spaniards and French sundry times, that the countreys lying north of Florida, God hath reserved the same to be reduced unto Christian civility by the English nation."—Hakluyt, vol. iii. p. 144. Sir George Peckam also bears testimony to the correctness of this opinion. "God," he says, "had provided the means of colonization; for that, through his great mercy in preserving the people

for so many years from slaughter, plague, and pestilence, *they were in such penury and want*, that many would hazard their lives for a year's food and clothing, without wages; and this armament might be most cheaply equipped."—Murray, vol. i. p. 191.

† "With this companie he put off and departed from the coast of England in the moneth of October, 1562, and in his course touched first at Teneriffe, where he received friendly entertainment; from thence he passed to Sierra Leona, upon the coast of Guinea, which place, by the people of the countrey, is called Tagarin, where he stayed some good time, and got into his possession, partly by the sword, and partly by other meanes, to the number of three hundred negroes, at the least, besides other merchandises which that countrey yeeldeth. With this praye hee sayled over the ocean sea unto the island of Hispaniola, and arrived first at the port of Isabella, and there hee had reasonable utterance of his English commodities, as also of some part of his negroes, trusting the Spaniards no further, then that by his owne strength he was able still to master them. From the port of Isabella he went to Puerto de Plata, where he made like sales, standing alwaies upon his guard; from thence, also, hee sayled to Monte Christi, another port on the north side of Hispaniola, and the last place of his touching, where he had peaceable traffique, and made vent of the whole number of his negroes."—Hakluyt, vol. iii. p. 500.

with his crew to their assistance, repulsed the assailants, and carried a number of them as prisoners on board his vessels. The next day he set sail with his mixed cargo of human creatures, and, during the passage, treated the negroes who had voluntarily accompanied him in a different manner from his prisoners of war. On his arrival at Hispaniola, he disposed of the whole cargo to great advantage, and endeavoured to inculcate on the Spaniards who purchased the negroes, the same distinction in the treatment of them which he himself had observed. But the Spaniards, having given the same ratio for the one as for the other, considered them as slaves of the same condition, and treated them all alike.*

The Spaniards have many cruelties to answer for, not only in their islands, but on the continent of South America. They never knew the true philosophy of self-interest in their treatment of their slaves. They never learned the maxim, that kindness is more effectual than severity in subduing ignorant and savage man. The Spaniards were, notwithstanding their love of enterprise and war, naturally an indolent race of people, and rejoiced in finding those who could take the labours of agriculture off their hands. Men, deceived, as most of those were who came with Hawkins, were not very docile; and their masters found in their tempers excuse for rigid discipline.

While the nefarious traffic of Sir John Hawkins was attended with the advantages of a profitable though iniquitous speculation, the meritorious exertions of others were fraught with destruction to themselves, and disappointment to the nation at large; affording a powerful lesson that the characters of men are not to be estimated by their financial success, but by the honourable motives by which their conduct is actuated. The efforts which followed those of the founder of the slave trade were directed to the discovery of a passage to India by the north of America;† but, notwithstanding the utmost exertions of the most eminent naval characters, Frobisher, Davis, and Hudson, they proved

entirely abortive, at least, as to the accomplishment of their immediate object.

In the same year, however, in which Frobisher's third voyage terminated so unsuccessfully, Sir Walter Raleigh, in conjunction with his half-brother and kindred spirit, Sir Humphrey Gilbert, projected the establishment of a colony in that quarter of America which the Cabots had visited in the reign of Henry VII.; and a patent for this purpose was procured without difficulty in favour of Gilbert, from Elizabeth. As this is the first charter to a colony granted by the crown of England, the articles in it merit particular attention as they unfold the ideas of that age with respect to the nature of such settlements. Elizabeth authorizes him to discover and take possession of all remote and barbarous lands, unoccupied by any Christian prince or people; invests in him the full right of property in the soil of those countries wherof he shall take possession; empowers him, his heirs and assigns to dispose of whatever portion of those lands he shall judge meet, to persons settled there, in fee simple, according to the laws of England; and ordains that all the lands granted to Gilbert shall hold of the crown of England by homage, on payment of the fifth part of the gold or silver ore found there. The charter also gave Gilbert, his heirs and assigns, full power to convict, punish, pardon, govern, and rule, by their good discretion and policy, as well in causes capital or criminal as civil, both marine and other, all persons who shall, from time to time, settle within the said countries; and declared, that all who settled there should have and enjoy all the privileges of free denizens and natives of England, any law, custom, or usage to the contrary notwithstanding. And finally, it prohibited all persons from attempting to settle within two hundred leagues of any place which Sir Humphrey Gilbert, or his associates, shall have occupied during the space of six years.‡

Invested with these extraordinary powers, Gilbert

* On another occasion Hawkins took advantage of a conflict between the hostile tribes. "In that present instant," says the narrator, "there came to us a negro, sent from a king, oppressed by other kings, his neighbours, desiring our aide, with promise that as many negros as by these warres might be obtained, as well of his part as of ours, should be at our pleasure; whereupon, we concluded to give aide, and sent a hundred and twenty of our men, which, the 15th of Januarie, assaulted a towne of the negros of our allies' adversaries, which had in it eight thousand inhabitants, being very strongly impaled and fenced after their manner; but it was so well defended, that our men prevailed not, but lost sixe men and fortie hurt, so that our men sent forthwith to me for more helpe, whereupon, considering that the good successe of this enterprise might highly further the commoditie of our voyage, I went myselfe, and with the helpe of the king on our side, assaulted the towne, both by land and sea, and very hardly with fire, (their houses being covered with dry palme leaves) obtained the towne,

and put the inhabitants to flight, where we tooke two hundred and fifty persons, men, women, and children, and by our friend the king of our side, there were taken sixe hundred prisoners, whereof we hoped to have had our choice; but the negro, in which nation is seldom or never found truth, meant nothing lesse, for that night he remooved his campe and prisoners, so that we were faine to content us with those few which we had gotten ourselves. Now had we obtained between four and five hundred negroes, wherwith we thought it somewhat reasonable to seeke the coast of the West Indies, and there, for our negroes and our other merchandize, we hoped to obtaine, whereof to countervaille our charges with some gaines."—Hakluyt, vol. iii. p. 522.

† In the reign of Edward VI. it was also the general opin ion that a passage to India might be found by coasting along the northern shores of Europe; and, when in pursuit of this object, Sir Hugh Willoughby and his gallant crew were frozen to death.

‡ Hakluyt, vol. iii. p. 135.

began to collect associates, and to prepare for embarkation. The first equipment, however, of Sir Humphrey, may be said to have failed, even before it set out. Being composed in a great measure of "voluntary men of diverse dispositions," there was a great falling off when it came to the point, and Sir Humphrey was at last obliged to set out with only a few of his own tried friends. He encountered the most adverse weather, and was necessitated to return, "with the loss of a tall ship, and, more to his grief, of a valiant gentleman, Miles Morgan." This was a severe blow, as Sir Humphrey had embarked a large portion of his property in this undertaking. However, his determination continued unshaken; and by the aid of Sir George Peckham, Sir Walter Raleigh, and other persons of distinction, he was enabled to equip another expedition, with which, in the year 1583, he again put to sea.

On the 30th of July, Gilbert discovered land in about 51° of north latitude; but, finding nothing but bare rocks, he shaped his course to the southward, and on the 3d of August arrived at St. John's harbour, at Newfoundland. There were at that time in the harbour thirty-six vessels, belonging to various nations, and they refused him entrance; but, on sending his boat with the assurance that he had no ill design, and that he had a commission from Queen Elizabeth, they submitted, and he sailed into the port. Having pitched his tent on shore in sight of all the shipping, and being attended by his own people, he summoned the merchants and masters of vessels to be present at the ceremony of his taking possession of the island. When assembled, his commission was read and interpreted to the foreigners. A turf and twig was then delivered to him; and proclamation was immediately made, that, by virtue of his commission from the queen, he took possession of the harbour of St. John, and two hundred leagues every way around it, for the crown of England. He then, as the authorized governor, proposed and delivered three laws, to be in force immediately; by the first, public worship was established according to the church of England; by the second, the attempting of any thing prejudicial to her majesty's title was declared treason;

by the third, if any person should utter words to the dishonour of her majesty, he should lose his ears, and have his ship and goods confiscated. When the proclamation was finished, obedience was promised by the general voice, both of Englishmen and strangers. Not far from the place of meeting, a pillar was afterwards erected, upon which were engraved the arms of England. For the better establishment of this possession, several parcels of land were granted by Sir Humphrey, by which the occupants were guaranteed grounds convenient to dress and dry their fish, of which privilege they had often been debarred, by those who had previously entered the harbour. For these grounds they covenanted to pay a certain rent and service to Sir Humphrey Gilbert, his heirs or assigns, for ever, and to maintain possession of them, by themselves or assignees. This formal possession, in consequence of the discovery by the Cabots, is considered the foundation of the right and title of the crown of England to the territory of Newfoundland, and to the fishery on its banks. Gilbert, intending to bring the southern parts of the country within his patent, the term of which had now nearly expired, hastened to make farther discoveries before his return to England. He therefore embarked from St. John's harbour with his little fleet, and sailed for the Isle of Sable, by the way of Cape Breton. After spending eight days in the navigation from Cape Race towards Cape Breton, the ship Admiral was cast away on some shoals before any discovery of land, and nearly one hundred persons perished; among these was Stephen Parmenius Budeius, a learned Hungarian, who had accompanied the adventurers, to record their discoveries and exploits. Two days after this disaster, no land yet appearing, the waters being shallow, the coast unknown, the navigation dangerous, and the provisions scanty, it was resolved to return to England. Changing their course accordingly, they passed in sight of Cape Race on the 2d of September; but when they had sailed more than three hundred leagues on their way home, the frigate, commanded by Sir Humphrey Gilbert himself, foundered in a violent storm at midnight, and every soul on board perished.*

* Hakluyt has preserved a very masterly performance from the pen of Sir Humphrey Gilbert, entitled, "A Discourse to prove a Passage by the North-west, to the East Indies," &c. Although the recent expeditions, under Captains Ross and Parry, have fully demonstrated that no passage, of an available nature at least, exists between America and the North Pole, it may be interesting to our readers to form some idea of the reasons by which Sir Humphrey convinced himself, and endeavoured to persuade others, of the certainty of a north-west passage; we, therefore, extract the contents of this discourse:—

"CAPITULO I. To prove by authoritie a passage to be on the

north side of America, to goe to Cataia, China, and to the East India. CAP. II. To prove by reason a passage to be on the north side of America, to go to Cataia, Moluccæ, &c. CAP. III. To prove by experience of sundry men's travails, the opening of this north-west passage, whereby good hope remaineth of the rest. CAP. IV. To prove by circumstance, that the north-west passage hath bene sailed throughout. CAP. V. To prove that such Indians as have bene driven upon the coastes of Germanie came not thither by the south-east and south-west, nor from any part of Afrike or America. CAP. VI. To prove that the Indians aforesnamed came not by the north-east, and that there is no thorow passage navigable

CHAPTER II.

HISTORY OF VIRGINIA, FROM ITS SETTLEMENT TO
THE FRENCH WAR OF 1756.

TERRIBLE as was the fate of Gilbert and his associates, the ardour of Raleigh was not daunted, nor his energies depressed. High in favour with Elizabeth, he found no difficulty in procuring a patent similar to that which had been granted to his unfortunate brother. Prompt in the execution, as intrepid in the projection of his plans, he speedily equipped two small vessels, under Amadas and Barlow, to obtain further information of the coasts, the soil, and the inhabitants of the regions he designed to colonize. Approaching America by the Gulf of Florida, they touched first at the island of Ocaoke, which runs parallel to the greater part of North Carolina, and then at Roanoke, near the mouth of Albemarle Sound. In both they had some intercourse with the natives, whom they found to be savages, with all the characteristic qualities of uncivilized life—bravery, aversion to labour, hospitality, a propensity to admire and a willingness to exchange their rude productions for English commodities, especially for iron, or any of the useful metals of which they were destitute. After spending a few weeks in this traffic, and in visiting some parts of the adjacent continent, Amadas and Barlow returned to England, and gave a most fervid description of the country they had been sent to explore. Their own words, as contained in their report to Sir Walter Raleigh,* will convey a better idea of the mode of narrative adopted, and the effect produced, than any language of ours. “The soile,” say they, “is the most plentifull, sweete, fruitfull and wholsome of all the worlde; there are above fourteene severall sweete smelling timber trees, and the most part of their underwoods are bayes and such like; they have those ookes that we have, but farre greater and better. After they had bene divers times aboard our shippes, myselfe, with seven more, went twentie mile into the river that runneth towarde the citie of Skicoak, which river they call Occam; and the evening following, we came to an island, which they call Rao-

that way. CAP. VII. To prove that these Indians came by the north-west, which induceth a certaintie of this passage by experience. CAP. VIII. What severall reasons were alleged before the queenes majestie, and certain lords of her highnesse privie council, by M. Anth. Ienkinson, a gentleman of great travaile and experience, to prove this passage by the north-east, with my severall answers then alleged to the same. CAP. IX. How that this passage by the north-west is more commodious for our traffike, then the other by the north-east, if there be any such. CAP. X. What commodities would ensue, this passage being once discovered.”—Hakluyt, vol. iii. p. 11.

noak, distant from the harbour by which we entered seven leagues; and at the north end thereof was a village of nine houses, built of cedar, and fortified round about with sharpe trees to keep out their enemies, and the entrance into it made like a turnepike, very artificially; when we came towardes it, standing neere unto the waters' side, the wife of Granganimo, the king's brother, came running out to meete us very cheerfully and friendly; her husband was not then in the village; some of her people shee commanded to drawe our boate on shore for the beating of the billoe, others she appointed to cary us on their backes to the dry ground, and others to bring our oares into the house for feare of stealing. When we were come into the utter roome, having five roomes in her house, she caused us to sit down by a great fire, and after tooke off our clothes and washed them, and dried them againe; some of the women plucked off our stockings, and washed them, some washed our feete in warm water, and she herself tooke great paines to see all things ordered in the best manner she could, making great haste to dresse some meate for us to eate. After we had thus dried ourselves, she brought us into the inner roome, where shee set on the boord standing along the house, some wheate like furmentie; sodden venison and roasted; fish, sodden, boyled and roasted; melons, rawe and sodden; rootes of divers kindes; and divers fruites. Their drinke is commonly water, but while the grape lasteth, they drinke wine, and for want of caskes to keepe it, all the yere after they drink water, but it is sodden with ginger in it, and black sinamon, and sometimes sassaphras, and divers other wholesome and medicinable hearbes and trees. We were entertained with all love and kindnesse, and with as much bountie, after their maner, as they could possibly devise. We found the people most gentle, loving, and faithfull, voide of all guile and treason, and such as live after the maner of the golden age. The people onely care howe to defend themselves from the cold in their short winter, and to feed themselves with such meat as the soile afforeth; their meat is very well sodden, and they make broth very sweet and savorie; their vessels are earthen

Although the lapse of time has evinced the futility of the speculation of Gilbert, the style of this treatise places this author on a level with the most distinguished writers of this age. In the Senate he was admired for his eloquence, not less than for his patriotism and integrity; but the most interesting feature in his character was the strength of his piety. In the extremity of danger at sea, he was observed sitting unmoved, with a bible in his hand, and heard to say, “Courage, my lads! we are as near heaven at sea as at land.”

* Hakluyt, vol. iii. p. 248, 249.

pots, very large, white, and sweete; their dishes are wooden platters of sweet timber. Within the place where they feede was their lodging, and within that their idoll, which they worship, of whom they speake incredible things. While we were at meate, there came in at the gates two or three men with their bowes and arrowes from hunting, whom, when we espied, we beganne to looke one towards another, and offered to reach our weapons; but as soone as shee espied our mistrust, shee was very much mooved, and caused some of her men to runne out, and take away their bowes and arrowes and breake them, and withall, beate the poore fellowes out of the gate againe. When we departed in the evening, and would not tarry all night, she was very sorry, and gave us into our boate our supper half dressed, pottes and all, and brought us to our boate side, in which we lay all night, removing the same a prettie distance from the shoare; shee perceiving our jelousie, was much grieved, and sent divers men and thirtie women to sit all night on the banke-side by us, and sent us into our boates five mattes, to cover us from the raine, using very many wordes to intreate us to rest in their houses; but because we were fewe men, and if we had miscarried the voyage had bene in very great danger, we durst not adventure any thing, although there was no cause of doubt, for a more kinde and loving people there cannot be found in the worlde, as far as we have hitherto had triall."

Delighted with the prospect of possessing a territory so far superior to any hitherto visited by her subjects, Elizabeth was pleased to honour both the newly discovered country and herself, by bestowing upon it the title of Virginia.

These favourable circumstances not only encouraged the enterprising spirit of Raleigh, but, by their effect on public opinion, assisted him in his arrangements to form a permanent settlement; and he was soon enabled to despatch seven ships, under the command of Sir Richard Grenville, one of the most valorous spirits of the age, with Ralph Lane, as governor of the colony, accompanied by Heriot, a mathematician of celebrity, and some other men of science. Sailing from Plymouth on the 9th of April, they proceeded to Virginia by the way of the West Indies, and, having narrowly escaped shipwreck at Cape Fear, anchored at Wocokon, on the 26th of

June. From this island Grenville went to the continent, accompanied by several gentlemen, and discovered various Indian towns. He then proceeded to Cape Hatteras, where he was visited by Granganimo, the prince seen by Amadas and Barlow the preceding year; and having viewed the island of Roanoke, he embarked for England, leaving one hundred and seven persons under the government of Mr. Lane, to form a plantation, and to commence the first English colony ever planted in America. The chief employment of this party, during their year's residence in the New World, consisted in obtaining a more correct and extensive knowledge of the country; a pursuit in which the persevering abilities of Heriot were exercised with peculiar advantage. His unremitting endeavours to instruct the savages, and diligent inquiries into their habits and character, by adding to the stock of human knowledge, rendered the expedition not wholly unproductive of benefit to mankind. He endeavoured to avail himself of the admiration expressed by the savages for the guns, the clock, the telescopes, and other implements that attested the superiority of the colonists, in order to lead their minds to the great source of all sense and science.* But, unfortunately, the majority of the colonists were much less distinguished by piety or prudence, than by a vehement impatience to acquire sudden wealth: their first pursuit was gold; and eagerly listening to the agreeable fictions of the natives, the adventurers consumed their time, and endured amazing hardships, in pursuit of a phantom, to the utter neglect of the means of providing for their future subsistence. The stock of provisions brought from England was exhausted; and the colony, reduced to the utmost distress, was preparing to disperse into different districts of the country in quest of food, when Sir Francis Drake appeared with his fleet, returning from a successful expedition against the Spaniards in the West Indies. A scheme which he formed, of furnishing Lane and his associates with such supplies as might enable them to remain with comfort in their station, was disappointed by a sudden storm, in which the vessel he had destined for their service was dashed to pieces; and as he could not supply them with another, at their joint request, as they were worn out with fatigue and famine, he carried them home to England.†

* "Most things they saw with us, as mathematicall instruments, sea-compasses, the vertue of the loadstone, perspective glasses, burning glasses, clocks to goe of themselves, bookes, writing, guns, and such like, so far exceeded their capacities, that they thought they were rather the workes of gods then men, or at least the gods had taught us how to make them, which loved us so much better than them; and caused many of them to give credit to what we spake concerning our God. In all places where I came, I did my

best to make his immortall glory knowne; and I told them, although the bible I shewed them contained all, yet of itselfe, it was not of any such vertue as I thought they did conceive. Notwithstanding, many would be glad to touch it, to kisse, and embrace it, to hold it to their breasts and heads, and stroke all their body over with it."—Smith's History of Virginia, p. 11.

† Hakluyt, vol. iii. p. 255—280.

Had the Virginia adventurers, however, remained but a little time longer at their plantation, they would have received supplies from home ; for, a few days after their departure, a ship, sent by Sir Walter Raleigh to their relief, arrived at Hatteras, and made diligent search for them, but, not finding them, returned to England. Within a few days after this ship had left the coast, Sir Richard Grenville arrived at Virginia with three new vessels laden with provisions. Searching in vain for the colony that he planted, but yet unwilling to lose possession of the country, he left fifty* of his crew to keep possession of the island of Roanoke, and returned to England. This was, indeed, but an inauspicious commencement for English attempts at transatlantic colonization ; but, though its immediate results did not realize the high expectations which had been formed, its consequences were indirectly very beneficial. It gave Heriot opportunity to describe its soil, climate, productions, and the manners of its inhabitants, with a degree of accuracy which merits no inconsiderable praise, when compared with the childish and marvellous tales published by several of the early visitants of the New World. Another consequence of this abortive colony is important enough to entitle it to a place in history. Lane and his associates, by their constant intercourse with the Indians, had acquired a relish for their favourite enjoyment of smoking tobacco ; to the use of which, the credulity of that people not only ascribed a thousand imaginary virtues, but their superstition considered the plant itself as a gracious gift of the gods, for the solace of human kind, and the most acceptable offering which man can present to heaven." They brought with them a specimen of this new commodity to England, and taught their countrymen the method of using it ; which Raleigh and some young men of fashion fondly adopted. From its being deemed a fashionable acquirement, and from the favourable opinion of its salutary qualities entertained by several physicians, the practice of smoking spread rapidly among the English ; and by a singular caprice of the human species, no less inexplicable than unexampled, it has become almost as universal as the demands of those appetites originally implanted in our nature.

Amidst all the discouraging circumstances with which the settlement of Virginia was attended, Raleigh still remained devotedly attached to the object ; and early in the year 1587, equipped another company of adventurers, incorporated by the title of the Borough of Raleigh, in Virginia. John White was

constituted governor, in whom, with a council of twelve persons, the legislative power was vested. They were directed to plant at the bay of Chesapeake, and to erect a fort there. This expedition sailed from Plymouth on the 8th of May, and about the 16th of July fell in with the Virginian coast. Arriving at Hatteras on the 22d of July, the governor, with a select party, proceeded to Roanoke, and landed at that part of the island where the men were left the year preceding ; but discovered no signs of them, excepting the bones of one man, who had been slain by the savages. The next day the governor and several of his company went to the north end of the island, where Lane had erected his fort, and had built several decent dwelling houses, hoping to obtain some intelligence of his fellow-countrymen ; but, on coming to the place, and finding the fort razed, and all the houses, though standing unhurt, overgrown with weeds and vines, and deer feeding within them ; they returned, in despair of ever seeing the objects of their research alive. Orders were given the same day for the repair of the houses, and for the erection of new cottages ; and all the colony, consisting of one hundred and seventeen persons, soon after landed, and commenced a second plantation. In the month of August, Manteo, a friendly Indian, who had been to England, was baptized in Roanoke, according to a previous order of Sir Walter Raleigh ; and, in reward of his faithful service to the English, was called lord of Roanoke. About the same period, Mrs. Dare, daughter of the governor, and wife of one of the assistants, was delivered of a daughter in Roanoke, and baptized the next Lord's day by the name of Virginia, being the first English child born in the country.

Before the close of the month of August, at the urgent solicitation of the whole colony, the governor sailed for England to procure supplies. Unfortunately, on his arrival, the nation was wholly engrossed by the expected invasion of the grand Spanish Armada ; and Sir Richard Grenville, who was preparing to sail for Virginia, received notice that his services were wanted at home. Raleigh, however, contrived to send out White with two more vessels ; but they were attacked by a Spanish ship of war, and so severely shattered, that they were obliged to return. It was not till 1590 that another expedition reached Virginia, when they beheld a similarly dreadful scene to that which had been presented on the former occasion. The houses were demolished, though still surrounded by a palisade ; and a great part of the stores was found buried in the earth ; but as no trace was ever found of this unfortunate colony, there is

* Hakluyt says fifteen, but Smith fifty, which is the more probable number.



every reason to apprehend that the whole must have miserably perished.* Thus terminated the noble and persevering efforts of Raleigh in the western hemisphere; in which he sent out in four years several expeditions, at a cost of £40,000, without any profitable return. It cannot be a matter of surprise, therefore, that he should be induced to assign his right of property in that country, with all the privileges of his patent, to other hands, especially as he was engaged in several other projects which now presented, to his imagination at least, a much more promising appearance. Sir Thomas Smith, and a company of mercantile men, were invested with the patent; but, finding it difficult, probably, to procure emigrants for a spot which had proved the grave of so many of their brave companions, they satisfied themselves with the traffic carried on by a few small barks, and made no attempt to take possession of the country. Thus, after a period of a hundred and six years from the time that Cabot discovered North America in the service of Henry VII., and of twenty years from the time that Raleigh planted the first colony, not a single Englishman remained in the New World; and the colonization of America awaited the energy of a new impulse.

In the last year of Elizabeth, the voyage of Bartholomew Gosnold tended to revive the spirit of emigration. He set sail in a small bark from Falmouth, with thirty-two persons, for the northern parts of Virginia, with the design of beginning a plantation. Instead of making the unnecessary circuit by the Canaries and West Indies, he steered, as steadily as the winds would permit, due west, and acquired the honour of being the first Englishman who came in a direct course to this part of America.† After a passage of seven weeks, he descried the American coast; and sailing along the shore, arrived at a head land, in the latitude of 42°, where they came to anchor. Having taken a great number of cod at this place, they designated it Cape Cod. On the day following

they coasted the land southerly; and, in attempting to double a point, came suddenly into shoal water, at a place they called Point Care. On the 24th they discovered an island, which they called Dover Cliff; and the next day came to anchor, a quarter of a mile from the shore, in a large bay they termed Gosnold's Hope. On the northern side of it was the main; and on the southern, four leagues distant, was a large island, which, in honour of the queen, they determined should bear the name of Elizabeth. Consulting together on a fit place for a plantation, they concluded to settle on the western part of this island. In it they found a small lake of fresh water, two miles in circumference, in the centre of which was a rocky islet; and here they began to erect a fort and storehouse. While the men were occupied in this work, Gosnold crossed the bay in his vessel, went on shore, trafficked amicably with the natives, and, having discovered the mouth of two rivers, returned to the island.‡ In nineteen days the fort and storehouse were finished; but discontents arising among those who were to have remained in the country, the design of a settlement was relinquished,§ and the whole company returned to England.||

However inconsiderable this voyage may appear, its results were by no means insignificant. It was now discovered that the aspect of America was very inviting far north of any portion the English had hitherto attempted to settle. The coast of a vast country, stretching through the most desirable climates, lay before them. The richness of its virgin soil promised a certain recompense to their industry. In its interior provinces unexpected sources of wealth might open, and unknown objects of commerce might be found. Its distance from England was diminished almost a third by the new course which Gosnold had pointed out; and plans for establishing colonies began to be formed in different parts of the kingdom. The accession of James to the English crown was also highly favourable to the colonization of America, and

* Hakluyt, vol. iii. p. 281—294. Murray, vol. i. p. 204. "And thus we left seeking our colony, that was never any of them found, nor seene to this day, 1622. And this was the conclusion of this plantation, after so much time, labour, and charge consumed; whereby we see,

'Not all at once, nor all alike, nor ever hath it beene,
That God doth offer and confer his blessings upon men.'

Smith, p. 16.

† Smith (Hist. Virg. p. 16) says, "this course was shorter than heretofore by five hundred leagues."—Belknap, Biog. vol. i. p. 231; ii. 100. Robertson, b. 9.

‡ "Point Care is supposed by Dr. Belknap to be *Malebarre*, or Sandy Point, forming the south-eastern extremity of the county of Barnstable, in Massachusetts. Martha's Vineyard was not the island which now bears that name, but a small island, now called *No-Man's Land*. Dover Cliff was *Gay Head*. Gosnold's Hope

was *Buzzard's Bay*. The narrator in Purchas says, 'it is one of the stateliest sounds that ever I was in.' Elizabeth Island was the westernmost of the islands which now bear the name of Elizabeth Islands. One of the two rivers discovered by Gosnold, was that near which lay Hap's Hill; and the other, that on the banks of which the town of New Bedford is now built."—Holmes's Annals of America, vol. i. p. 118.

§ "The 13th beganne some of our companie that before vowed to stay, to make revolt; whereupon, the planters diminishing, all was given over."—Purchas. "In 1797, Dr. Belknap, with several other gentlemen, went to the spot which was selected by Gosnold's company on Elizabeth Island, and had the supreme satisfaction to find the cellar of Gosnold's storehouse; the stones of which were evidently taken from the neighbouring beach; the rocks of the islet being less moveable, and lying in ledges."—Belknap, Biog. vol. ii. p. 115.

|| Smith's Hist. Virg. p. 16—18.

fatal to the illustrious projector of this design. Peace was immediately concluded with Spain ; and England, in the enjoyment of uninterrupted tranquillity, was enabled to direct to more bloodless pursuits the energies matured in a war which had strongly excited the spirit of the nation without impairing its strength. These projects were powerfully aided by the judicious counsel and zealous encouragement of Richard Hakluyt, prebendary of Westminster, a man of eminent attainments in naval and commercial knowledge, the patron and counsellor of many of the English expeditions of discovery, and the historian of their exploits. By his persuasion, two vessels were fitted out by the merchants of Bristol, to examine the discoveries of Gosnold, and ascertain the correctness of his statements. They returned with an ample confirmation of his veracity. A similar expedition, equipped and despatched by Lord Arundel, not only produced additional testimony to the same effect, but reported so many additional particulars in favour of the country, that all doubts were removed ; and an association sufficiently numerous, wealthy, and powerful, to attempt a settlement, being soon formed, a petition was presented to the king for the sanction of his authority to its being carried into effect.

Fond of directing the active genius of his English subjects towards occupations not repugnant to his own pacific maxims, James listened with a favourable ear to the application. But as the extent as well as value of the American continent began now to be better known, a grant of the whole of such a vast region to any one body of men, however respectable, appeared to him an act of impolitic and profuse liberality. For this reason he divided that portion of North America, which stretches from the thirty-fourth to the fifty-fifth degree of latitude, into two districts nearly equal ; the one called the first or south colony of Virginia, the other, the second or north colony. He authorized Sir Thomas Gates, Sir George Summers, Richard Hakluyt, and their associates, mostly resident in London, to settle any part of the former which they should choose, and vested in them a right of property to the land extending along the coast fifty miles on each side of the place of their first habitation, and reaching into the interior country a hundred miles. The latter district he allotted, as the place of settlement to sundry knights, gentlemen, and merchants of Bristol, Plymouth, and other parts of the west of England, with a similar grant of territory. The supreme government of the colonies that were to be settled, was

vested in a council, resident in England, named by the king, with laws and ordinances given under his sign manual ; and the subordinate jurisdiction was committed to a council, resident in America, which was also nominated by the king, and to act conformably to his instructions. The charter, while it thus restricted the emigrants in the important article of internal regulation, secured to them and their descendants all the rights of denizens, in the same manner as if they had remained or had been born in England ; and granted them the privilege of holding their lands in America by the freest and least burdensome tenure. The king permitted whatever was necessary for the sustenance or commerce of the new colonies to be exported from England, during the space of seven years, without paying any duty ; and, as a farther incitement to industry, he granted them liberty of trade with other nations ; and appropriated the duty to be levied on foreign commodities, as a fund for the benefit of the colonies, for the period of twenty-one years. He also granted them liberty of coining for their own use, of repelling enemies, and of detaining ships that should trade there without their permission.* "In this singular charter," says Robertson, "the contents of which have been little attended to by the historians of America, some articles are as unfavourable to the rights of the colonists as others are to the interest of the parent state. By placing the legislative and executive powers in a council nominated by the crown, and guided by its instructions, every person settling in America seems to be bereaved of the noblest privilege of a free man ; by the unlimited permission of trade with foreigners, the parent state is deprived of that exclusive commerce which has been deemed the chief advantage resulting from the establishment of colonies. But in the infancy of colonization, and without the guidance of observation or experience, the ideas of men, with respect to the mode of forming new settlements, were not fully unfolded or properly arranged. At a period when they could not foresee the future grandeur and importance of the communities which they were about to call into existence, they were ill qualified to concert the best plan for governing them. Besides, the English of that age, accustomed to the high prerogative and arbitrary rule of their monarchs, were not animated with such liberal sentiments, either concerning their own personal or political rights, as have become familiar in the more mature and improved state of their constitution."†

We may regard the colonies of North and South

* Stith, Virg. Appendix, No. 1, and Hazard, Coll. vol. i. p. 50—58, contain entire copies of this patent.

† History of America, b. ix. p. 290.

Virginia, or Virginia and New England, as they were subsequently denominated, as forming, from this period, the subject of two distinct and continuous histories, that of the former, being earliest in point of time, will continue to occupy our attention during the remainder of this chapter.

The proprietors of the royal patent lost no time in carrying their plans into effect. It cannot, however, be said, that they commenced their operations on a scale at all worthy of the magnitude of the undertaking, as their fleet consisted only of three ships, conveying one hundred emigrants; and, although some persons of rank were among the number of proprietors, their pecuniary resources were but scanty. The charge of this embarkation was committed to Christopher Newport, already famous for his skill in western navigation. He sailed from the Thames on the 20th of December, 1606, having, in a sealed box, the royal instructions, and the names of the intended colonial council, with orders not to break the seal till twenty-four hours after the expedition had effected a landing; to which singular policy, may be attributed the dissensions which soon commenced among the leaders, and which continued to distract them during a voyage long and disastrous.* Captain Newport had designed to land at Roanoke; but fortunately, being driven by a storm to the northward, he stood into the spacious bay of Chesapeake, that grand reservoir into which are poured almost countless tributaries, which not only fertilize the country through which they flow, but open to it a commercial intercourse which can scarcely be said to be surpassed in any portion of the globe. The promontory on the south of the bay was named Cape Henry, in honour of the prince of Wales; and that on the north, Cape Charles, after the then duke of York. At night the box, containing the sealed instructions, was opened, in which Bartholomew Gosnold, John Smith, Edward Wingfield, Christopher Newport, John Ratcliffe, John Martin, and George Kendall, were constituted the council of government, with power to elect a president from among their number. The adventurers were employed in seeking a place for settlement until

the thirteenth of May, when they took possession of a peninsula, on the north side of the river Powhatan, called by the emigrants James River, about forty miles from its mouth. To make room for their projected town, they commenced clearing away the forest, which had for centuries afforded shelter and food to the natives. The members of the council, while they adhered to their orders in the choice of their president, on the most frivolous pretences excluded from a seat among them, the individual, who was probably of all others the best fitted for the office, Captain Smith,† though nominated by the same instrument from which they derived their authority. His superior talents, and the fame he had previously acquired in war, excited their envy, while possibly they induced him to assume, that a greater deference was due to his opinion than his coadjutors were willing to admit. At length, however, by the prudent exhortations of Mr. Hunt, their chaplain, the animosities which had arisen were composed, Smith was admitted into the council, and they all turned their undivided attention to the government of the colony. In honour of their monarch, they called the town, the erection of which they now commenced, James Town. Thus was formed the first permanent colony of the English in America.

The vicinity of the settlement was a vast wilderness, though a luxuriant one, inhabited by a race of Indian savages, possessing both the virtues and the vices peculiar to their state. At first, they treated the colonists with kindness; but misunderstandings, from various causes, ere long interrupted the peace, and annoyed the proceedings of the English. Nor was the hostility of the natives the only occasion of discomfort; the extreme heat of the summer, and the intense cold of the succeeding winter, were alike fatal to the colonists. From May to September, fifty persons died, among whom was Bartholomew Gosnold, a member of the council. The storehouse at James Town accidentally taking fire, the town, thatched with reeds, burned with such violence, that the fortifications, arms, apparel, bedding, and a great quantity of private goods and provision, were consumed.

These distresses naturally led them to reflect upon

* Chalmers, Political Annals, b. i. c. 2. "Their animosities were powerfully inflamed by an arrangement which, if it did not originate with the king, at least evinces a strong affinity to that ostentatious mystery and driftless artifice which he affected as the perfection of political dexterity."—Grahame, vol. i. p. 47.

† "It would perhaps be difficult to find any individual who experienced more gallant adventures and daring enterprises, of a highly romantic character, in various countries, than Captain Smith. His life, without any fictitious additions, might easily be taken for a mere romance. He appears to have possessed many great qualities, and to have been deficient in nothing but that mean

cunning and sordid spirit, by the aid of which inferior men were able to thwart his views, and deprive him of those stations and rewards which his services amply merited. He was one of the earliest and most ardent of those who undertook the settlement of Virginia; his bravery and capacity more than once saved that infant colony from destruction, and kept the enterprise from being abandoned for several years, though the absurdity of the schemes, and the profligacy, folly, and dishonesty of those who were to execute them, exposed the colony for many years to every calamity, and often brought it to the brink of ruin."—North American Review, vol. iv. p. 146.

their situation ; and having become sensible of their injustice to Smith, his personal talents and activity were, in their adversity, appealed to with that regard and deference which, in prosperous times, are yielded only to vested authority and official station. From some unaccountable jealousy on the part of the governor, the fort had been left in an unprotected state, but, by the advice of Smith, it was now put into a state to defend them against the attacks of the Indians. To procure provisions and explore the country, he made frequent and distant excursions into the wilderness. In one of these, he seized an Indian idol, made with skins stuffed with moss, for the redemption of which as much corn was brought him as he required. Some tribes he gained by caresses and presents, and procured from them a supply of provisions ; others he attacked with open force, and defeating them on every occasion, whatever their superiority in numbers might be, compelled them to impart to him some portion of their winter stores. As the recompense of all his toils and dangers, he saw abundance and contentment re-established in the colony, and hoped that he should be able to maintain them in that happy state, until the arrival of ships from England in the spring. But in the midst of his energetic measures, while exploring the source of the river Chickahominy, he was surprised and attacked by a party of Indians. He defended himself bravely until his companions were killed, when he took to flight ; but running incautiously, he sunk up to his shoulders in a swamp, and was taken prisoner. The exulting savages conducted him in triumph through several towns to Werowocomoco, where Powhatan, their king, resided in state, with a strong guard of Indians around him. When the prisoner entered the apartment of the sovereign, all the people gave a shout. The queen of Appamatuck was appointed to bring him water to wash his hands ; and another person brought a bunch of feathers, instead of a towel, to dry them. Having feasted him in their best manner, they held a long consultation, at the conclusion of which, two great stones were brought before Powhatan. Smith had now reason to consider his career as drawing to a close ; by the united efforts of the attendants, he was forcibly dragged, his head laid upon one of the stones, and the mighty club up-raised, a few blows from

which were to terminate his existence. But a very unexpected interposition now took place. Pocahontas, the favourite daughter of Powhatan, was seized with emotions of tender pity, and ran up to her father, pathetically pleading for the life of the stranger. When all entreaties were lost on that stern and savage potentate, she hastened to Smith, snatched his head in her arms, and laid her own on his, declaring that the first blow must fall upon her. The heart even of a savage father was at last melted, and Powhatan granted to his favourite daughter the life of Smith.*

It appears at first to have been the intention of the savage monarch to have detained the captive, and employed him in manufacturing utensils and ornaments for his majesty's use ; but from some cause he speedily changed his mind, and in two days after his deliverance, sent him, to his high gratification, with a guard of twelve of his trusty followers, to James Town, upon condition that he should remit two culverins and a millstone as his ransom.†

After an absence of seven weeks, Smith arrived barely in time to save the colony from being abandoned. His associates, reduced to the number of thirty-eight, impatient of farther stay in a country where they had met with so many discouragements, were preparing to return to England ; and it was not without the utmost difficulty, and alternately employing persuasion, remonstrance, and even violent interference, that Smith prevailed with them to relinquish their design. Pocahontas, persevering in her generous designs, continued to supply the colony with provisions till a vessel arrived from England with supplies. Having preserved the settlement during the winter by his active exertions and his careful management, Smith embraced the earliest opportunity, in the following manner, to explore the extensive and multifarious ramifications of the Chesapeake. In an open barge, with fourteen persons, and but a scanty stock of provisions, he traversed the whole of that vast extent of water from Cape Henry, where it meets the ocean, to the river Susquehannah ; trading with some tribes of Indians, and fighting with others. He discovered and named many small islands, creeks, and inlets ; sailed up many of the great rivers ; and explored the inland parts of the country. During

* Smith's Hist. Virg. p. 49.

† "So to James Towne with twelve guides Powhatan sent him. That night they quartered in the woods, he still expecting (as he had done all this long time of his imprisonment) every houre to be put to one death or other, for all their feasting. But Almighty God (by his divine providence) had mollified the hearts of those sterne barbarians with compassion. The next morning betimes they came to the fort, where Smith having used the salvages with what kinnesse he could, he showed Rawhunt, Powhatan's trusty ser-

vant, two demi-culverings and a mill-stone to carry Powhatan ; they found them somewhat too heave, but when they did see him discharge them, being loaded with stones, among the boughs of a great tree loaded with isickles, the yee and branches came so tumbling downe, that the poore salvages ran away halfe dead with feare. But at last we regained some conference with them, and gave them such toyes, and sent to Powhatan, his women, and children, such presents as gave them in generall full content."—Smith's Hist. Virg. p. 49

this enterprise, the Susquehannah Indians visited him, and made him presents. At this early period they had hatchets, and utensils of iron and brass, which, by their own account, originally came from the French of Canada. After sailing about three thousand miles, Smith returned to James Town. Having made careful observations during this excursion of discovery, he drew a map of Chesapeake Bay, with its tributary rivers, annexing to it a description of the countries, and of the nations inhabiting them, and sent it to the council in England.*

The superior abilities of Smith had now been so manifestly subservient to the general welfare, that they had silenced, at least, the malignity of envy and faction, and although it was comparatively a short period since he had been so unjustly calumniated, and deprived of his seat at the council-board, immediately after his return from his voyage, he was, by the election of the council and the request of the settlers, invested with the government, and received letters-patent to be president of the colony. The wisdom of his administration inspired confidence, its vigour commanded obedience, and the military exercises, which he obliged all to perform, struck the Indians with astonishment, and inspired them with awe.†

The colony continued to proceed, under the administration of President Smith, as favourably as the nature of its materials would permit. They were, indeed, by no means of the most desirable description, being chiefly "poor gentlemen, tradesmen, serving-men, libertines, and such like, ten times more fit to spoil a commonwealth than either to begin or maintain one." As they went out usually with extravagant hopes of sudden and brilliant wealth, they paid little regard to any solid or substantial pursuit, and scorned even the slight labour which was necessary to draw subsistence from this fertile soil. The caprice and suspicion of the Indians also assailed him with numberless trials. Even Powhatan, notwithstanding the friendly ties that united him to his ancient guest, was induced, by the treacherous artifices of certain Dutchmen, who deserted to him from

James Town, first to form a secret conspiracy, and then to excite and prepare open hostility against the colonists. Some of the fraudulent designs of the royal savage were revealed by the unabated kindness of Pocahontas, others were detected by Captain Smith, and from them all he contrived to extricate the colony with honour and success, and yet with little and only defensive bloodshed. But Smith was not permitted to complete the work he had so honourably begun. His administration was unacceptable to the company in England, for the same reasons that rendered it beneficial to the settlers in America. The patentees, very little concerned about the establishment of a happy and respectable society, had eagerly counted on the accumulation of sudden wealth by the discovery of a shorter passage to the South Sea, or the acquisition of territory replete with mines of the precious metals. In these hopes they had been hitherto disappointed; and the state of affairs in the colony was far from betokening even the retribution of their heavy expenditure.

The company of South Virginia, therefore, treated for, and obtained from king James a new charter with more ample privileges.‡ This measure added materially to the list of proprietors, among whom we find some of the most respectable and wealthy, not only of the commoners, but of the peers of the realm. The council of the new company appointed Lord Delaware governor of Virginia for life; Sir Thomas Gates, his lieutenant; Sir George Somers, admiral; and Christopher Newport, vice-admiral; and fitted out seven ships, attended by two small vessels, having on board five hundred emigrants. Lord Delaware did not, however, accompany this expedition, not from any want of attachment to the cause, but from a desire to preside for a period over the council at home, and to make more efficient arrangements for further reinforcements. The ship in which the three other officers§ sailed, becoming separated from the rest of the fleet in a violent storm, was wrecked on the Bermudas Islands, where all the company, consisting of one hundred and fifty persons, were providentially saved. One small vessel was lost in the

* This map was made with such admirable exactness, that it is the original from which all subsequent maps and descriptions of Virginia have been chiefly copied. In Purchas, and in some copies of Smith's History of Virginia, his own original map is still to be found, but it is very rare.

† "About this time there was a marriage betwixt John Laydon and Anne Burras, which was the first marriage we had in Virginia."—Smith's Hist. Virg. p. 73.

‡ Copies of this second charter, containing the names of the proprietors, are preserved in Smith, Virg. Appendix, No. ii. and in Haza d, Coll. i. 58—72. By this charter the company was made "one Body or Commonalty perpetual," and incorporated by the name of "The Treasurer and Company of Adventurers and

Planters of the City of London, for the First Colony in Virginia." Charter. To them were now granted in absolute property, what seem formerly to have been conveyed only in trust, the lands extending from Cape Comfort along the sea coast southward, two hundred miles; from the same promontory two hundred miles northward; and from the Atlantic westward to the South Sea; and also all the islands lying within one hundred miles along the coast of both seas of the aforesaid precinct.—Chalmers.

§ Each of these had a commission; and the first who should arrive, was authorized to recall the commission that had been granted for the government of the colony; but "because they could not agree for place, it was concluded they should go all in one ship."—Smith's Hist. Virg. p. 89.

storm; the other ships, much damaged and distressed, arrived about the middle of August at James river; but so little were they expected, that when they were first descried at sea, they were mistaken for enemies; and these apprehensions, which were dissipated by the nearer approach of the fleet, only gave place to more substantial and more formidable evils, arising from the composition of the reinforcement which it brought to the colonial body.* A great proportion of these new emigrants consisted of profligate and licentious youths; indigent gentlemen, too proud to beg, and too lazy to work; idle retainers; dependants too infamous to be decently protected at home, less fitted to found a commonwealth than to destroy one. In fact, the whole colony was speedily involved in distress and disorder by the anarchical state introduced by their pride and folly, while the Indian tribes were alienated and exasperated by their turbulence and injustice.

A systematic design was now meditated against the whole colony by the sovereign of the country; but it was providentially discovered and frustrated. Pocahontas, the tutelary friend of Virginia, though but a child of thirteen years of age, went in a very dark and dreary night to James Town, and, at the hazard of her life, disclosed to the president a plot of her father to kill him and all the English. This timely notice put the colony on its guard; and some favourable occurrences soon after contributed still farther toward its preservation. An Indian, apparently dead through the effect of a charcoal fire in a close room, was, on the application of vinegar and aqua vitæ by the president, reanimated. This supposed miracle, with an explosion of powder, which killed two or three Indians, and scorched and wounded others, excited such astonishment, mingled with such admiration of English power and art, that Powhatan and his people came to them with presents of peace; and the whole country, during the remainder of Smith's administration, was entirely free from molestation, and the colonists pursued

* Speaking of this company, Smith says, "To a thousand mischiefs those lewd Capitaines led this lewd company, wherein were many unruly gallants, packed thither by their friends to escape ill destinies, and those would dispose and determine of the government, sometimes to one, the next day to another; to-day the old commission must rule, to-morrow the new, the next day neither; in fine, they would rule all, or ruine all: yet in charitie we must endure them thus to destroy us, or by correcting their follies, have brought the worlds censure upon us to be guiltie of their blouds. Happie had we beene had they never arrived, and we for ever abandoned, as we were left to our fortunes; for on earth, for the number, was never more confusion, or misery, then their factions occasioned."

"The president seeing the desire those braves had to rule; seeing how his authoritie so unexpectedly changed would willingly have left all, and have returned for England. But seeing there

their plans of improvement, both in agriculture and in some of the manufactures, with tolerable success. Unhappily, however, the president, while exerting himself with his usual energy in the concerns of the settlement, received a dangerous wound from the accidental explosion of a quantity of gunpowder. Completely disabled by this misfortune, and destitute of surgical aid, he was compelled to resign his command, and take his departure (and it was a final one) for England. "It was natural," observes Grahame, "that he should abandon with regret the society he had so often preserved, the settlement he had conducted through difficulties as formidable as the infancy of Carthage or Rome had to encounter, and the scenes he had dignified by so much wisdom and virtue. But our sympathy with his regret is abated by the reflection, that a longer residence in the colony would speedily have consigned him to very subordinate office, and might have deprived the world of that stock of valuable knowledge, and his own character of that accession of fame, which the publication of his travels has been the means of perpetuating."†

The departure of Smith was, as might have been anticipated, a most inauspicious circumstance for the colony. The Indians, finding that the person whose vigour they had so often felt no longer ruled the English settlers, generally revolted, and destroyed them wherever they were found. Captain Ratcliff, in a small ship, with thirty men, going to trade, and trusting himself indiscreetly to Powhatan, he and all his people, excepting two, were slain; one boy was saved by the benevolent Pocahontas. The provisions of the colony being imprudently wasted, a dreadful famine ensued, and prevailed to such extremity, that this period was many years distinguished by the name of "the starving time." Of nearly five hundred persons left in the colony by the late president, sixty only remained at the expiration of six months. In this extremity, they received unexpected relief from Sir Thomas Gates, and the compa-

was small hope this new commission would arrive, longer he would not suffer those factious spirits to proceede. It would be too tedious, too strange, and almost incredible, should I particularly relate the infinite dangers, plots, and practices, he daily escaped amongst this factious crew, the chiefs whereof he quickly layd by the heeles, till his leasure better served to doe them justice."—Smith's Hist. Virg. p. 90.

* "The History of the Rise and Progress of the United States of North America, till the Revolution in 1688. By James Grahame, Esq. 2 vols. 8vo." This work appears to have been the result of lengthened and extensive research, and we know not which most to commend, its general correctness, its vigorous and just conceptions, or its decided advocacy of Christian principles;—and we take the liberty of expressing our hope that the volumes containing the subsequent portions of the history will not be longer delayed.

ny wrecked the previous year at the Bermudas, who, having built two small vessels, were at length able to leave the Island, and reached Virginia on the 23d of May. Finding the small remains of the colony in a famishing condition, Sir Thomas Gates consulted with Sir George Somers, Captain Newport, and the gentlemen and council of the former government; and the conclusion was, that they would abandon the country. It was their intention to sail for Newfoundland, where they expected to meet with many English ships, into which, it was hoped, they might disperse most of the company, and thus get back to England. On the 7th of June they all embarked in four small vessels, and about noon, fell down the river with the tide. The next morning they discovered a boat making toward them; and it proved to be the long-boat of Lord Delaware, who had just arrived at the mouth of the river, with three ships and a hundred and fifty men. Hearing at the fort of the company's intention to return to England, he had despatched an officer with letters to Sir Thomas Gates, informing him of his arrival. Gates instantly changed his purpose, and that night relanded all his men at James Town. On the 10th, Lord Delaware came up with his ships, bringing plentiful supplies to the colony, which he proceeded to resettle.*

Having published his commission, which invested him with the sole command, he appointed a council of six persons to assist him in the administration. An essential change now took place in the form of the ancient Virginia constitution; for the original aristocracy was converted into a monarchical government, over whose deliberations the people had no control. Under the auspices of this intelligent and distinguished nobleman, the affairs of the colony were soon re-established. He allotted to every man his particular business;—the French who had been imported for the purpose, he commanded to plant the vine; the English, to labour in the woodlands; and he appointed officers to see his orders obeyed. All patiently submitted to an authority, which experience had taught them to be wise and necessary; and peace, industry, and order, now succeeded tumult, idleness, and anarchy. Lord Delaware speedily erected two more forts for the more effectual protection of the colony; the one he designated Fort Henry, the other Fort Charles. On the report of his deputy governors of the plenty they had

found in Bermudas, he despatched Sir George Somers to that island for provisions, accompanied by Captain Samuel Argal in another vessel. They sailed together until, by contrary winds, they were driven towards Cape Cod; whence Argal, after attempting, pursuant to instructions, to reach Sagadahock, found his way back to Virginia. He was next sent for provisions to the Potomac, where he found Henry Spelman, an English youth, who had been preserved from the fury of Powhatan by Pocahontas; and by his assistance procured a supply of corn. Somers, after struggling long with contrary winds, at length arrived safely at Bermudas, and began to execute the purpose of his voyage; but, exhausted with fatigues, to which his advanced age was inadequate, he soon after expired. Previously to his death, he had charged his nephew, Matthew Somers, who commanded under him, to return with the provisions to Virginia; but, instead of obeying the charge, he returned to England, carrying the body of his deceased uncle for interment in his native country.

The health of Lord Delaware not permitting him to remain in his office of captain general of the Virginia colony, he departed for England, leaving above two hundred people in health and tranquillity. Not long after his departure, Sir Thomas Dale arrived at Virginia with three ships, three hundred emigrants, and a supply of cattle, provisions, and other articles needful for the colony. In August, Sir Thomas Gates also arrived with six ships, two hundred and eighty men, and twenty women, a considerable quantity of cattle and hogs, military stores, and other necessaries; and assumed the government. Finding the people occupied with but little amusements, and verging towards their former state of penury, he directed their employment in necessary works. The colony now began to extend itself up James river, where several new settlements were effected, and a town built, enclosed with a palisade, which, in honour of prince Henry, was called Henrico.

To avenge some injuries of the Appamatuck Indians, Sir Thomas Dale assaulted and took their town, at the mouth of the river of that name, about five miles from Henrico. He kept possession of it, calling it New Bermudas, and annexed to its corporation many miles of champaign and woodland ground, in several hundreds.

* Smith, Virg. p. 106. Stith, p. 115. Beverly, p. 34, 35. Belknap, Biog. Art. DELAWARE. The narrator, in Purchas, gives this vivid description of the scene:—"The three and twentieth day of May we cast anchor before James Towne, where we landed, and our much grieved governour first visiting the church, caused the bell to be rung, at which all such as were able to come forth of

their houses, repayed to church, where our minister, Master Bucke, made a zealous and sorrowfull prayer, finding all things so contrary to our expectations, so full of misery and misgovernment. After service our governour caused mee to reade his commission, and Captaine Percie (then president) delivered up unto him his commission, the old patent, and the councell seale."

In the following year, application was made to the king, by the patentees, for a new charter. The principal objects which they were desirous of obtaining, and in which they succeeded, were, their investiture with the islands situated within three hundred leagues of the coast; the prolongation of the period of their exemption from the payment of duties on their exports; power to raise additional funds by lottery; and some fresh regulations in the internal management.

The Bermudas, lying within the limits assigned by their new charter, were sold by the company to one hundred and twenty of its own members, who, in honour of Sir George Somers, named them the Somers Islands. To these islands they sent a colony of sixty persons, with Richard Moor as their governor. These colonists having landed in June on the

* To give a detail of the history of this Indian princess seems scarcely compatible with a due regard to other departments of our work; and yet it is of too remarkable and interesting a character to be omitted. We therefore insert, as a note, Captain Smith's own account, in a narration made to the Queen of James I.—'Some ten yeeres agoe being in Virginia, and taken prisoner by the power of Powhatan, their chiefe king, I received from this great salvage exceeding great courtesie, especially from his sonne Nantaquans, the most manliest, comeliest, boldest spirit, I ever saw in a salvage, and his sister Pocahontas, the king's most deare and wel-beloved daughter, being but a childe of twelve or thirteene yeeres of age, whose compassionate pitifull heart, of my desperate estate, gave me much cause to respect her: I being the first Christian this proud king and his grim attendants ever saw: and thus intrahled in their barbarous power, I cannot say I felt the least occasion of want that was in the power of those my mortall foes to prevent, notwithstanding al their threats. After some six weeks fasting amongst those salvage courtiers, at the minute of my execution, she hazarded the beating out of her owne braines to save mine, and not onely that, but so prevailed with her father, that I was safely conducted to Iames Towne, where I found about eight and thirtie miserable poore and sicke creatures to keepe possession of all those large territories of Virginia. Such was the weakness of this poore commonwealth, as had the salvages not fed us, we directly had starved.

"And this reliefe, most Gracious Queene, was commonly brought us by this Lady Pocahontas; notwithstanding all these passages when inconstant fortune turned our peace to warre, this tender virgin would still not spare to dare to visit us, and by her our jarres have beene oft appeased, our wants still supplied; were it the policie of her father thus to employ her, or the ordinance of God thus to make her his instrument, or her extraordinarie affection to our nation, I know not; but of this I am sure, when her father with the utmost of his policie and power, sought to surprize mee, having but eighteene with me, the darke night could not affright her from coming through the irksome woods, and with watered eies gave me intelligence, with her best advice, to escape his furie, which had hee knowne, hee had surely slaine her. Iames Towne, with her wild traine, she has freely frequented as her fathers habitation; and, during the time of two or three yeeres, she next, under God, was still the instrument to preserve this colonie from death, famine, and utter confusion, which, if in those times, had once beene dissolved, Virginia might have lyne as it was on our first arrivall to this day. Since then, this businesse having beene turned and varied by many accidents from that I left it at, it is most certaine, after a long and troublesome warre after my departure, betwixt her father and our colonie, all which time she was not heard of; about two yeeres after shee herselfe was taken prisoner, being so detained neere two yeeres longer, the

principal island, in August subscribed to articles of government; and in the course of the year received an accession of thirty persons. The Virginia company, at the same time, took possession of other small islands discovered by Gates and Somers, and prepared to send out a considerable reinforcement to James Town. The expense of these extraordinary efforts was defrayed by the profits of a lottery, which amounted nearly to £30,000.

It was in the year following* the grant of the new charter, that the marriage of Pocahontas, the famed daughter of Powhatan, was celebrated; an alliance which secured peace to Virginia many years. Having been carefully instructed in the Christian religion, it was not long before she renounced the idolatry of her country, made profession of Christianity, and was baptized in the name of Rebecca.*

colonie by that meanes was relieved, peace concluded, and at last, rejecting her barbarous condition, was married to an English gentleman, with whom at this present she is in England; the first Christian ever of that nation, the first Virginian ever spake English, or had a childe in marriage by an Englishman, a matter surely, if my meaning bee truly considered and well understood, worthy a princes understanding.

"Being about this time preparing to set saile for New England, I could not stay to doe her that service I desired, and she well deserved; but hearing shee was at Brenford with divers of my friends, I went to see her. After a modest salutation, without any word, she turned about, obscured her face, as not seeming well contented; and in that humour her husband, with divers others, we all left her two or three houres, repenting my selfe to have writ she could speake English; but not long after, she began to talke, and remembered mee well what courtesies she had done, saying, 'you did promise Powhatan what was yours should bee his, and he the like to you; you called him father, being in his land a stranger, and by the same reason so must I doe you;' which, though I would have excused, I durst not allow of that title, because she was a kings daughter; with a well set countenance, she said, 'Were you not afraid to come into my fathers countrie, and caused feare in him and all his people, (but mee,) and feare you here I should call you father? I tell you then I will, and you shall call mee child, and so I will bee for ever and ever your countryman. They did tell us alwaies you were dead, and I knew no other till I came to Plimoth, yet Powhatan did command Vitamatomakkin to seeke you and know the truth, because your countrymen will lie much.'

"The treasurer, councell, and companie, having well furnished Captaine Samuel Argall, the Lady Pocahontas, alias Rebecca, with her husband and others, in the good ship called the George, it pleased God, at Gravesend, to take this young lady to his mercie, where she made not more sorrow for her unexpected death, than joy to the beholders, to heare and see her make so religious and godly an end."—Smith's Hist. Virg. p. 121—123.

As this eulogy of Pocahontas does not give us such a detail as the reader might wish to have, the American editor adds the following from "Knapp's Female Biography."

POCAHONTAS. In every age and nation, rare instances of genius and benevolence have been found; but in the whole range of uneducated nations, no female can be produced that has superior claims to Pocahontas, the Indian princess, daughter to the sachem of Virginia, Powhatan. This princess was born somewhere about 1594, according to Captain Smith's conjecture, for the savages have no methods of keeping an exact register of births, or deaths, and their computations by seasons or moons were seldom accurate. The first that was known of Pocahontas was in the year 1607, when that prince of chivalry, Captain John Smith, whose fame had filled the old world, came to this continent for adventures,

In some measure connected with this event, by the influence so powerful an alliance was calculated to have upon the minds of the natives in the vicinity, was the treaty which Sir Thomas Dale effected with the Chickahominy tribe of Indians, a bold and free people, who now voluntarily relinquished their name, for that of Tassantessus, or Englishmen; and solemnly engaged to be faithful subjects to King James.

During the interval of tranquillity procured by the alliance with Powhatan, an important change was made in the state of the colony. Hitherto no right

of private property in land had been established. The fields that were cleared had been cultivated by the joint labour of the colonists; their product was carried to the common storehouses, and distributed weekly to every family, according to its number and exigencies. However suitable such an arrangement might have been deemed for the commencement of a colony, experience proved that it was decidedly opposed to its progress in a more advanced state. In order to remedy this, Sir Thomas Dale divided a considerable portion of the land into small lots, and

and in exploring the country about James's river, was taken prisoner by some of the warriors of the tribes under Powhatan, and brought this powerful chief to be disposed of according to his will and decree. The fame and exploits of Smith had reached Powhatan. The prowess he had shown when taken was sufficient for their justification in taking him off; for he had been a wonder and terror to all his foes. Powhatan was as far an absolute despot as can exist in a state of nature. But the chief did not decide alone upon Captain Smith's fate; he called a council of his chiefs upon his case. In this convention the most wonderful stories of the white man's prowess, since he had been in this country, were told. Smith understood enough of the Indian language to comprehend the course of the debate, and made up his mind to die. Pocahontas was a listener in the council. Heroism and beauty have always an effect on the female heart; and even age and philosophy are not proof against these magicians. It was decided that he must die, as being too formidable a foe to suffer to escape. His death was to be by beating him on the head with clubs while he was in a recumbent posture, with a stone for a pillow. He was first bound, and then thrown down, and the clubs were uplifted, when Pocahontas, then a mere child, rushed forward and threw herself on the body of Smith, and protected his life at the risk of her own. The fierce savage hearts of the warriors were affected, and Smith was at once released and became an inmate, for a while, of the wigwam of Powhatan, and soon afterwards released, carrying with him a grateful sense of the services rendered him by this noble daughter of the forest. Sometime after this the Indians became alarmed, by witnessing the extraordinary feats of Smith, and laid a plan to get him into their power, under the pretence of wishing an interview with him in their territory. But Pocahontas, knowing the designs of the warriors, left the wigwam after her father had gone to sleep, and ran more than nine miles through the woods to inform her friend Captain Smith of the dangers that awaited him, either by stratagem or attack. For this service, Captain Smith offered her some trinkets; but young as she was, and no doubt had a natural fondness for finery, which belongs to her age, sex, and nation, yet she refused to accept any thing, or stop to refresh herself, for fear of being discovered by her father, or his wives. She returned before any one awaked, and laid herself gently in her blanket near where her father slept.

For several years she continued to assist the whites against her father's plots for their destruction. Although she was a great favourite with her father, he was so incensed against her for favouring the English, that he sent her to a chief of a neighbouring tribe; or, perhaps, he feared that the other chiefs of his own might, in Indian style, sacrifice her for want of patriotism. Such a sacrifice would not be a rare occurrence in Indian history. Here she remained for some time, when Captain Argall coming up the Potomac, and finding out that she was with Jopazaws, tempted the deceitful wretch to deliver her to him as a prisoner, for the bribe of a brass kettle, of which the chief had become enamoured, as the biggest trinket he had ever seen. Argall thought, by having her as a hostage, he should be able to bring Powhatan to terms of peace, but he refused to ransom her on the hard terms proposed by the colonists. He offered five hundred bushels of corn for her ransom, which was not accepted. She was well treated while a prisoner, and Mr. Thomas Rolfe, a pious young

man, and a brave officer, undertook to teach her the English language, as it was an object to have an influential interpreter among them. From a knowledge of what she had done for his friend Smith, and from finding her intelligent, brave, and noble, he became attached to her, and offered her his hand. This was communicated to Powhatan, who gave his consent to the union, and she was married after the form of the church of England, in presence of her uncle and two brothers. She was then but little past seventeen years of age. Powhatan did not attend the marriage, perhaps from a fear that some treachery might be in the business, but finding none, he extended the hand of friendship to his new allies as long as he lived.

The colony was now relieved from war, and for a while seemed to flourish. Pocahontas was a great favourite among the colonists, and her husband having business in England, it was thought best for her to make the voyage with him. She took several Indians of both sexes with her, such a number as her brothers and uncle thought belonged to her lineal honours. In England she was baptized and called Rebecca. She was there a subject of great curiosity, and was treated by all classes as a princess. She had made great progress in the English studies, and spoke the language with wonderful fluency. In London she was visited by Captain Smith, whom she supposed to have been dead. When she first beheld him, she was overcome with emotion, and shrunk from him as from one from the grave, hiding her face with her hand. An explanation soon took place, and she again used the endearing appellation of father, in conversation with her old friend. The only solution of this deception is, that the colonists wished to bring about a match between her and some one of their number, and feared, perhaps, that she cherished too fond a recollection of the gallant Smith, to think of uniting herself to another, while he was living.

Captain Smith wrote a memorial to the queen in her behalf, setting forth in a free and noble manner the services of the Indian princess, rendered to himself and to the colony; and the queen became her personal friend. She only lived long enough in England to prove to them that genius and virtue are the productions of every age and clime. She died as she was about to embark for her native land, at Gravesend, leaving an infant son. She was deeply lamented in England, and sincerely mourned in Virginia. The son she left, was educated by his uncle in England, and afterwards became a worthy and highly respectable character in Virginia, from whom has descended several distinguished families, now of that state. Several works of fiction have been founded on the incidents in the life of Pocahontas, but they have not been successful. The whole of her story surpasses all that fiction could create, and the embellishments were not wanted along side of the simple character of this child of nature. A thousand artificial flowers, in gilded vases, have not, to the true botanist, the beauty and perfume of the rose in the garden where it grew; nor can the Geraldines and Cherubines, those monsters of loveliness in fiction, reach the unsophisticated elegance of character displayed in Pocahontas. There is now a strong sympathy felt and acknowledged for the Indians. Books are written to defend them from many slanders which have been thrown upon them by former historians, and when this race has become nearly extinct, all will feel how greatly they have been injured.

granted one of these to each individual in full property. From the moment that industry had the certain prospect of a recompense, it advanced rapidly. The articles of primary necessity were cultivated with so much attention as secured the means of subsistence; and such schemes of improvement were formed as prepared the way for the introduction of opulence into the colony.

The increased industry of the colonists was not long before it found a new and somewhat singular channel—the cultivation of tobacco; indeed, so inconsiderately and exclusively were their energies directed to that object at this time, that the most fatal consequences were rendered almost inevitable. The land which ought to have been reserved for raising provisions, and even the streets of James Town, were planted with tobacco. Various regulations were framed to restrain this ill-directed activity; but, from eagerness for present gain, the planters disregarded every admonition. Tobacco, however, had many trials to pass through before it reached its present established station. King James declared himself its open enemy, and drew against it his royal pen. In the work which he entitled “Counterblast to Tobacco,” he poured the most bitter reproaches on this “vile and nauseous weed.” He followed it up by a proclamation to restrain the disorderly trading in tobacco, as tending to a general and new corruption of both men’s bodies and minds. Yet tobacco, like other proscribed objects, thrived under persecution, and achieved a final triumph over all its enemies.

The prosperity of the colony, in a financial point of view, may now be considered as rapidly advancing; but its government was by no means in a satisfactory state. After the brief and somewhat lax administration of Mr. Yeardley, the office of presiding over the affairs of the colony devolved on Captain Argal. The severity of his measures occasioned a multiplicity of complaints, though some of them appear to have been for the general benefit. The representations made by the colonists to the company in London, induced Lord Delaware, who ever took a lively interest in their welfare, to venture a second time to embark for America. He took with him two hundred passengers and abundant supplies. He was not, however, permitted to realize his benevolent purposes, but died on the voyage, in or near the bay which bears his name. His ship safely arrived at Virginia, and was soon after followed by another, with forty passengers. On the death of Lord Delaware, the administration of Argal, deputy governor of Virginia, became increasingly severe. Martial law, which had been proclaimed and executed during

the former turbulent times, was now made the common law of the land. He published several edicts of most absurd severity: as a specimen of his tyranny we quote his decree, “That every person should go to church on Sundays and holidays, or be kept confined the night succeeding the offence, and be a slave to the colony the following week; for the second offence, a slave for a month; and for the third, a year and a day.”

The tidings of the death of Lord Delaware were followed to England by increasing complaints of the odious and tyrannical proceedings of Argal; and the company having conferred the office of captain-general on Mr. Yeardley, the new governor received the honour of knighthood, and proceeded to the scene of his administration. He arrived in April, and immediately proceeded, in a truly liberal spirit, to take measures for convoking a colonial assembly, which accordingly met at James Town, on the 19th of June. The people were now so increased in their numbers, and so dispersed in their settlements, that eleven corporations appeared by their representatives in this convention, where they exercised the noblest rights of freemen, the power of legislation. They sat in the same house with the governor and council, and acted as one body.* This was the first legislature which ever assembled in the transatlantic states, and may be considered the progenitor of the most pure and effective system of representative government which the world has ever witnessed. The laws which they enacted were transmitted to England for the approbation of the treasurer and company, who passed an ordinance by which they approved and established this constitution of the Virginian legislature, reserving to themselves the creation of a council of state, which should assist the governor, and form a part of the colonial assembly.

This period of the history of the colony is distinguished by several other occurrences, the narration of which may be regarded as the history of the “home department” of the colony. We shall first notice the efforts which were made to introduce education, both among the natives and the settlers. King James having formerly issued his letters to the several bishops of the kingdom for collecting money to erect a college in Virginia for the education of Indian children, nearly £1500 had been already paid towards this benevolent design. Henrico had been selected as a suitable place for the seminary, and the Virginia company granted 10,000 acres of land, to be laid off for the university of Henrico; a donation

* Stith, p. 160, 161. Smith’s Hist. Virg. p. 126.

which, while it embraced the original object, was intended also for the foundation of a seminary of learning for the English. Two other circumstances, of a different character to that which we have now recorded, occurred about this time. The company were directed by James to transport to Virginia one hundred idle and dissolute persons, then in custody for various misdemeanors. They were distributed through the colony as servants to the planters. Much has been said on this subject by writers; but the influence of these outcasts was not of long continuance, for nearly the whole number of them died single. The stain upon the colony is unjustly continued by modern historians, who copy their predecessors without examining the sources of the information they retail. In this manner, error and prejudice are often perpetuated, and, when once fixed, however inconsistent with the whole current of events, if they have a slight foundation, gain strength by the lapse of years. In 1620, a Dutch man-of-war brought into James River twenty Africans, and landed them for sale. The scarcity of labourers made them acceptable to the planters. These were the first seen in North America. The other colonies soon followed the example. The race, prolific every where, soon multiplied in the colonies, and became new sources of wealth to their owners, greatly increasing the exports of the country.

At this early period of colonial enterprise, it may readily be supposed that few females had ventured to cross the ocean. This was necessarily a great impediment to the prosperity of the colony, as it not only prevented the increase of the population, but prohibited the settlement being regarded as a permanent residence. Most of the adventurers sought only to amass wealth with all possible expedition, that they might return to their native country, where only the enjoyments of domestic life were attainable. It was therefore proposed by some intelligent members of the company in London to send out a number of agreeable and virtuous young women, and no less than ninety were prevailed on, by the high probability of forming respectable matrimonial engagements, to embark for Virginia. The speculation proved so acceptable to the planters, and so profitable to the company, that, in the following year, sixty more were sent over, and, like the former, were very speedily disposed of to the young planters as wives.

The price was at first one hundred, and afterwards one hundred and fifty, pounds of tobacco, then valued at three shillings per pound; and it was ordered, that debts contracted for wives should be paid in preference to all others.*

The full tide of prosperity was now enjoyed by the colony. Its numbers greatly increased, and its settlements became widely extended. At peace with the Indians, it reposed in perfect security, and realized the happiness its fortunate situation and favourable prospects afforded, without suspecting the sudden and terrible reverse of fortune it was doomed to experience. Opechankanough, the successor of Powhatan, had adopted with ardour all the early enmity of his native tribe against the settlers; and he formed one of those dreadful schemes, so frequent in Indian annals, of exterminating the whole race at one blow. Such was the fidelity of his people, and so deep the power of savage dissimulation, that this dire scheme was matured without the slightest intimation reaching the English, who neither attended to the movements of the Indians, nor suspected their machinations; and though surrounded by a people whom they might have known from experience to be both artful and vindictive, they neglected those precautions for their own safety that were requisite in such circumstances. All the tribes in the vicinity of the English settlements were successively gained, except those on the eastern shore, from whom, on account of their peculiar attachment to their new neighbours, every circumstance that might discover what they intended was carefully concealed. To each tribe its station was allotted, and the part it was to act prescribed. On the morning of the day consecrated to vengeance, each was at the place of rendezvous appointed; and at midday, the moment they had previously fixed for this execrable deed, the Indians, raising a universal yell, rushed at once on the English in all their scattered settlements, butchering men, women, and children, with undistinguishing fury, and every aggravation of brutal outrage and savage cruelty. In one hour, three hundred and forty-seven persons were cut off, almost without knowing by whose hands they fell.† Indeed, the universal destruction of the colonists was prevented only by the consequences of an event, which perhaps appeared but of little im-

* Stith, p. 166, 197. Robertson, book ix. Holmes's American Annals, vol. i. p. 165. Grahame's History, vol. i. p. 86.

† "The two and twentieth of March, as also in the evening before, as at other times they came unarmed into our houses, with deere, turkies, fish, fruits, and other provisions to sell us, yea, in some places set downe at breakfast with our people, whom immediately, with their own tooles, they slew most barbarously, not sparing either age or sex, man, woman, or child, so sudden in their execu-

tion that few or none discerned the weapon or blow that brought them to destruction; in which manner also they slew many of our people at severall works in the fields, well knowing in what places and quarters each of our men were, in regard of their familiaritie with us, for the effecting that great masterpiece of work, their conversion; and by this means fell, that fatall morning, under the bloody and barbarous hands of that perfidious and inhumane people, three hundred and forty-seven men, women, and children, most by

portance in the colony at the time when it took place—the conversion of an Indian to the Christian faith. On the night before the massacre, this man was made privy to it by his own brother, but as soon as his brother left him he revealed the dreadful secret to an English gentleman in whose house he was residing, who immediately carried the tidings to James Town, and communicated them to some of the nearest settlers, scarcely in time to prevent the last hour of the perfidious truce from being the last hour of their lives.*

The horrid spectacle before them roused the English from repose to vengeance; and peace was succeeded by a vindictive and exterminating war. The colonists were victorious, destroying many of their enemies, and obliging the remainder to retire far into the wilderness. But their own number melted away before the miseries of war; their settlements were reduced from eighty to eight, and famine again visited them with its afflicting scourge. These calamities, and the dissensions which had agitated the company, having been represented to King James and his privy council as subjects of complaint, a commission was issued under the great seal, to inquire into all matters respecting Virginia, from the beginning of its settlement. A writ of *quo warranto* was also issued by the court of king's bench against the company. The colony, however, had received information of the whole proceedings in England, and had already in its possession copies of several papers which had been exhibited against it. A general assembly was called, which met on the 14th of February, and drew up answers to the charges in a spirited and masterly style, appointing an agent to go to England to advocate its cause. The *quo warranto* was brought to trial in the court of king's bench, and, as was usually the case with the courts in this reign, judgment was given in favour of the king, and against the company; James, therefore, availed himself of the opportunity, vacated the charter, and dissolved a company which had consisted of gentlemen of noble and disinterested views, who expended more than 100,000*l.* of their own fortunes, and sent out more than nine thousand per-

sons from the mother country, to plant the first English colony in America. It is true that success, though considerable, had not equalled the expenditure, either of money or of human life. The annual exportation of commodities from Virginia to England did not exceed 20,000*l.* in value; and, at the dissolution of the company, scarcely two thousand persons survived.

King James now issued a new commission for the government of Virginia, continuing Sir Francis Wyat governor, with eleven assistants or counsellors. The governor and council were appointed during the king's pleasure; and, in correspondence with the arbitrary tendencies of the father of Charles I., no assembly was mentioned or allowed. Though the commons of England were submissive to the dictates of the crown, yet they showed some regard to the interest of Virginia, in petitioning the king that no tobacco should be imported but of the growth of the colonies; and his majesty condescended to issue a new proclamation concerning tobacco, by which he restrained the culture of it to Virginia and the Somer Islands.†

James I. died on the 8th of April, 1625; and the demise of the crown having annulled all former appointments for Virginia, Charles I. reduced that colony under the immediate direction of the crown, appointing a governor and council, and ordering all patents and processes to issue in his own name. His proclamation "for settling the plantation of Virginia," is dated the 18th of May. It partakes of all the self-sufficiency and tyrannical ideas of royal prerogative which so fatally distinguished that unfortunate monarch. "Our full resolution is," says Charles, "that there may be one uniforme course of government in and through the whole monarchie, that the government of the colony of Virginia shall ymmediately depend upon ourselfe, and not be commytted to anie company or corporation, to whom itt maie be proper to trust matters of trade and commerce, but cannot be fitt or safe to communicate the ordering of state affairs, be they of never soe mean consequence." That his Majesty possessed no eminent capacity for "ordering state affairs," the issue of his reign afford

their own weapons; and not being content with their lives, they fell againe upon the dead bodies, making as well as they could a fresh murder, defacing, dragging, and mangling their dead carcases into many peeces, and carrying some parts away in derision, with base and brutish triumph."—Smith's Hist. Virg. p. 145.

* "The slaughter had beene universal, if God had not put it into the heart of an Indian, who, lying in the house of one Pace, was urged by another Indian, his brother, that lay with him the night before, to kill Pace, as he should doe Perry, which was his friend, being so commanded from their king, telling him also how the next day the execution should be finished: Perry's Indian presently

arose and reveales it to Pace, that used him as his sonne; and thus them that escaped was saved by this one converted infidell; and though three hundred and fortie-seven were slaine yet thousands of ours were by the meanes of this alone thus preserved, for which Gods name be praised for ever and ever. Pace, upon this, securing his house, before day, rowed to Iames Towne, and told the governor of it, whereby they were prevented, and at such other plantations as possibly intelligence could be given."—*Ibid.* p. 147.

† Belknap, Biog. vol. ii. p. 85—98. Rymer's Fœdera, vol. xvii. p. 618.

ample proof; and it was speedily evident to the Virginians, whose commerce was injured by the restraints, as their persons were enslaved by the prerogatives of "ourselfe."*

The first governor appointed by Charles to preside over the "state affairs" of Virginia was Sir George Yeardley; but his early death prevented the evils of the despotic principles, of which he was the representative, from being felt to their full extent. He was succeeded by one who was the very type of his royal master, Sir John Harvey. He exercised his authority with insolence, and even with cruelty; and took pains to evince that the system of tyranny he was selected to conduct, was perfectly congenial with his disposition. Indeed, such was his excessive solicitude to play the part of a tyrant in a bold style, that even Charles himself deemed it expedient at first to appear to check his career. Roused at length by reiterated provocation, the Virginians seized the person of Harvey, and sent him a prisoner to England, along with two deputies, charged to represent the grievances of the colony, and the misconduct of the governor. So far from redressing their wrongs, however, Charles regarded their conduct as little short of rebellion; he refused even to hear a single charge against Harvey, and sent him back to Virginia, with an ample renewal of the powers which he had so grossly abused, where he resumed and aggravated a tyrannical sway that has entailed infamy on himself and disgrace on his sovereign. Had his government been continued much longer, it must have ended in the revolt or the ruin of the colony. But a great change was now at hand, which was to reward the patience of the Virginians with a bloodless redress of their grievances. After a long intermission, Charles was forced to contemplate the re-assembling of a parliament; and, well aware of the ill humour which his government at home had excited, he had the strongest reason to dread that the displeasure of the commons would be inflamed by complaints of the despotic sway he had exercised over Virginia. There was yet time to soothe the irritation, and even to secure the adherence of a people, who, in spite of every wrong, retained a generous attachment to the prince whose sovereignty was felt still to unite them with the parent state. Harvey

was therefore recalled, and the government of Virginia committed to Sir William Berkeley, a person distinguished by every popular virtue in which Harvey was deficient.

The new governor was instructed to restore the colonial assembly, and to invite it to enact a body of laws for the province. Thus, all at once, and when they least expected it, was restored to the colonists the system of freedom which they had originally derived from the Virginia Company; universal joy and gratitude were excited throughout the colony; and the king, amidst the hostility that was gathering around him in every other quarter, was addressed in the language of affection and attachment by this people. Indeed, such was their gratitude to the king for this favour, that, during the civil wars, they were faithful to the royal cause, and continued so even after he was dethroned, and his son driven into exile. The parliament was irritated by this conduct of the Virginians, and it was not the mode of that age to wage a war of words alone. The efforts of a high spirited government in asserting its own dignity were prompt and vigorous. A powerful squadron, with a considerable body of land forces, was despatched to reduce the Virginians to obedience. Berkeley, obtaining the assistance of some Dutch vessels, with more spirit than prudence, opposed this formidable armament; but, after making a gallant resistance, was obliged to yield. His bravery, though unsuccessful in its primary object, obtained the most favourable terms for the colony,† while he disdained to make any stipulations in his own favour, with those whose authority he disowned. Withdrawing to a retired situation, he lived beloved and respected by the people whom he had governed.

The political state of the colony, from the time of this capitulation to the restoration of Charles II. has not, until lately, been perfectly understood. The early historians of Virginia have stated, that, during this period, the people of that colony were in entire subjection to the government of Cromwell; and that the acts of parliament in relation to trade were there rigidly enforced, while they were relaxed in favour of the New England colonies. Recent researches, however, prove these statements to be incorrect.‡ Under the articles of capitulation, parliament and the

* Chalmers' Political Annals, p. 110—113.

† "By these it was agreed, among other things, that the inhabitants of the colony should remain in due obedience and subjection to the commonwealth of England; should enjoy such freedom and privileges as belonged to the free-born people of England; and that the former government, by commission and instruction, be null and void; that the grand assembly should convene and transact the affairs of the colony; but nothing was to be done contrary to the laws of the commonwealth; that they should have as free

trade as the people of England do enjoy, to all places and with all nations, according to the laws of that commonwealth, and enjoy all privileges, equal with any plantations in America; and likewise be free from all taxes, customs, and impositions whatsoever, and none to be imposed upon them, without the consent of the grand assembly."—Pitkin's Civil and Political History, vol. i. p. 74.

‡ See Henning's Statutes at large. The publication of these statutes, comprising the whole from the commencement of the colony of Virginia, in thirteen or fourteen volumes, throws much

lord protector, left the inhabitants of the colony to govern themselves. The burgesses, or grand assembly, elected their governor and councillors, and all other officers, and the people enjoyed a free trade with all the world. The inhabitants, indeed, expected instructions and orders from England concerning the government, but none were sent during this whole period. The commissioners of parliament assumed the government for a short time, but in April, 1652, the grand assembly met, and, with the consent of the commissioners, proceeded to elect a governor and councillors. Richard Bennet, one of the commissioners, was appointed governor, until the further pleasure of the commonwealth should be known. In 1655, Edward Digges was chosen governor by the house of burgesses, and after him, in 1657, Samuel Matthews. After the resignation of Richard Cromwell, the house expressly declared, that the supreme power of government should reside in the assembly, and that all writs should issue in the name of the "grand assembly of Virginia," until such a command and commission come out of England, as should be by the assembly judged lawful. At the same session, Sir William Berkeley was appointed governor,* and, by a special act, was directed to call an assembly once in two years at least, and oftener if necessary. He was empowered to choose a secretary and council of state, with the approbation of the assembly, and restrained from dissolving the legislature, without the consent of a major part of the house.

The colonists of Virginia, or a majority of them, were episcopalians, and attached to the church of England; the religion of that church, indeed, was established by law in the colony; and it is evident that they were strongly in favour of the royal cause. Their warm-hearted loyalty could not fail to be exhilarating to the spirits of Charles II., during his banishment. He transmitted from Breda a new commission to Sir William Berkeley, as governor of Virginia, declaring his intention of ruling and ordering the colony according to the laws and statutes of England, which were to be established there. Thus, while that prince was not permitted to rule over a foot of ground in England, he exercised the royal jurisdiction over Virginia. On receiving the first account of the restoration, the joy and exultation of

light on the history of that colony, and does great credit to the industry and researches of the publisher, and to the state, under whose patronage, it is understood, the publication was made.

* Robertson, following Beverley and Chalmers, gives a different account of these transactions; but he is incorrect, at least as to the government being appointed by Cromwell. "On the death of Matthews, the last governor named by Cromwell," observes Robertson, "the sentiments and inclination of the people, no longer under the control of authority, burst out with violence. They

the colony were universal and unbounded, though not of long continuance.

It had been observed with concern, during the commonwealth, that the English merchants for several years past had usually freighted the Hollander's shipping for bringing home their own merchandise, because their freight was lower than that of the English ships. For the same reason the Dutch ships were made use of for importing American products from the English colonies into England. The English ships meanwhile lay rotting in the harbours; and the English mariners, for want of employment, went into the service of the Hollanders. The government, therefore, not unnaturally, turned its attention towards the most effectual mode of retaining the colonies in dependence on the parent state, and of securing to it the benefits of their increasing commerce. With these views the parliament enacted, "That no merchandise, either of Asia, Africa, or America, including also the English plantations there, should be imported into England in any but English built ships and belonging either to English or English plantation subjects, navigated also by an English commander, and three fourths of the sailors to be Englishmen; excepting such merchandise as should be imported directly from the original place of their growth or manufacture in Europe solely; and that no fish should thenceforward be imported into England or Ireland, nor exported thence to foreign parts, nor even from one of their own home ports, but what should be caught by their own fishers only." The first house of commons after the restoration, instead of granting the colonies that relief which they expected from the restraints on their commerce imposed by Cromwell, not only adopted all their ideas concerning this branch of legislation, but extended them further. Thus arose the navigation act, the most important and memorable of any in the statute-book with respect to the history of English commerce. By these several and successive regulations, the plan of securing to England a monopoly of the commerce with its colonies, and of shutting up every other channel into which it might be diverted, was perfected, and reduced into complete system. On one side of the Atlantic these laws have been extolled as an extraordinary effort of political sagacity, and have

forced Sir William Berkeley to quit his retirement; they unanimously elected him governor of the colony: and as he refused to act under a usurped authority, they boldly erected the royal standard, and acknowledging Charles II. to be their lawful sovereign, proclaimed him with all his titles; and the Virginians long boasted, that as they were the last of the king's subjects who renounced their allegiance, they were the first who returned to their duty."—Robertson's History of America, b. ix. Chalmers, p. 125. Beverley, p. 55.

been considered as the great charter of national commerce, to which the parent state is indebted for its opulence and power; on the other, they have been regarded as instruments of oppression, more characterized by ignorance of the true principles of political economy, than by legislative wisdom. At this moment that branch of the colonial code which regulates, or rather restrains, the intercourse of the West India islands with the United States, forms the subject of continued negotiation between the American and British governments.*

This oppressive system excited great indignation in Virginia, where the extensive commerce and pre-eminent loyalty of the people rendered the pressure of the burden more severe, and the infliction of it more exasperating. No sooner was the navigation act known in Virginia, and its effects experienced, than the colony warmly remonstrated against it as a grievance, and petitioned earnestly for relief, but without success; so that the discontents, far from being abated by the lapse of time, were aggravated by the constant pressure of the commercial restrictions. Various additional causes concurred to inflame the angry feelings of the colonists; a considerable native population had now grown up in Virginia, whose dissatisfaction was not mitigated by the fond remembrance which emigrants retain for the parent state, which is also the land of their individual nativity; and a complication of exasperating circumstances brought the discontents of the colony to a crisis. The indignation of the people became general, and was worked up to such a pitch, that nothing was wanting to precipitate them into the most desperate acts, but some leader qualified to unite and to direct their operations. Such a leader they found in Nathaniel Bacon. He was a lawyer, educated in London, and was appointed a member of the council a short time after his emigration to Virginia. Young, bold, ambitious, with an engaging address, and commanding eloquence, he harangued the colonists upon their grievances; inflamed their resentment against their rulers; declaimed particularly against the lan-

guor with which the war, then existing with the Indians, had been conducted; and such was the effect of his representations, that he was elected general by the people. To give some colour of legitimacy to the authority he had acquired, and perhaps expecting to precipitate matters to the extremity which his interest required that they should speedily reach, he applied to the governor for an official confirmation of the popular election, and offered instantly to march against the common enemy. This Sir William Berkeley firmly refused, and issued a proclamation commanding the dispersion of the insurgents. Bacon had advanced too far to recede; and he hastened, at the head of six hundred armed followers, to James Town, surrounded the house where the governor and council were assembled, and repeated his demand. Intimidated by the threats of the enraged multitude, the council hastily prepared a commission, and, by their entreaties, prevailed on the governor to sign it. Bacon and his troops then began their march against the Indians; but no sooner were the council relieved from their fears, than they declared the commission void, and proclaimed Bacon a rebel. Enraged at this conduct, he instantly returned, with all his forces, to James Town. The aged governor, unsupported, and almost abandoned, fled precipitately to Accomack, on the eastern shore of the colony; collecting those who were well affected towards his administration, he began to oppose the insurgents, and several skirmishes were fought, with various success. A party of the insurgents burned James Town, laid waste those districts of the colony which adhered to the old administration, and confiscated the property of the loyalists. The governor, in retaliation, seized the estates of many of the insurgents, and executed several of their leaders. In the midst of these calamities, Bacon sickened and died. Destitute of a leader to conduct and animate them, their sanguine hopes of success subsided; all began to desire an accommodation; and after a brief negotiation with the governor, they laid down their arms, on obtaining a promise of general pardon.

* "Great Britain has, in her colonial regulations, deemed it expedient, on the ground of political necessity, to overlook our just claims in measuring out general privileges to all nations. She might have had some excuse, barely plausible, however, for declining to negotiate on this question in 1826; but she can now have no sound apology for persevering in the same course towards those who advocated the acceptance of her colonial commerce, on the terms proposed by the acts of Parliament in 1825. Should she continue to suffer her commercial interests to be controlled and sacrificed through a jealousy of us; should her councils be too much influenced by the apprehension expressed by one of her late ministers, that 'in commerce, in navigation, in naval power, and maritime pretensions, the United States are her most formidable rival;' she must pardon us for responding that sentiment, and

for adopting the most efficient measures to countervail a spirit and policy so unfriendly to our navigation. If her peculiar conduct towards us should drive us to measures of specific retaliation—to a more extensive and effective interdiction of our intercourse with her colonies—she will have no just reason to complain, that we have not afforded her every opportunity to re-establish our intercourse on terms of the most general and friendly reciprocity. It will remain for Great Britain to determine, whether she will open the whole of her vast empire to our commerce on mutually advantageous terms; or whether, by persisting in excluding us from a part of her dominions, she will allow other nations to supersede her in the trade with North America."—Report of the Committee on the Commerce and Navigation of the United States, 1830, p. 47, 48.

Thus terminated an insurrection, which, in the annals of Virginia, is distinguished by the name of Bacon's rebellion. During seven months this daring leader was master of the colony, while the royal governor was shut up in a remote and ill-peopled corner of it. In addition to the cause already referred to, the prejudicial influence of the navigation laws, this popular commotion was probably much influenced by the extremely low price of tobacco; the splitting of the territory into proprietaries, contrary to the original charters; the extravagant taxes to which the colonists were subjected; and the ineffective manner in which the governor and council had protected the inhabitants against the Indians. It is said to have injured the colony to an amount not less than 100,000*l*. As soon as Berkeley found himself reinstated in his office, he called together the representatives of the people, that by their advice and authority public order might be re-established. Although this assembly met while the memory of reciprocal injuries was still recent, and when the passions excited by such a fierce contest could scarcely have subsided, its proceedings were conducted with a moderation seldom exercised by the successful party in a civil war. No man suffered capitally, and a small number only were subjected to fines. The council made, however, a somewhat singular exception to their charitable forbearance. While they spared the living, they wreaked their vengeance on the dead, and passed an act of attainder against Bacon long after he was beyond the reach of their enmity.

On hearing of the disturbances in Virginia, Charles despatched, though with no great haste, a fleet with some troops for its pacification. These did not arrive, however, till they might well have been dispensed with. With them came Colonel Jeffreys, appointed to recall and replace Sir William Berkeley in the government of the colony. This brave and benevolent man did not long survive his dismissal, and may justly be said to have lived and died in the service of Virginia.

The only event of importance during the administration of Colonel Jeffreys, was the conclusion of the Indian war, which, by the aid of the troops he brought with him, he speedily effected, and arranged a treaty which afforded universal satisfaction. On the death of Jeffreys, the government devolved on Sir Henry Chicheley. During his presidency, the extensive and unjustifiable grants of the crown, which had long been a most ruinous grievance, were recalled, and the colony enjoyed an interval of repose previous to the arbitrary rule of Lord Culpepper, who had been sometime appointed by Charles, but, hap-

pily for the colony, delayed the assumption of his office.

In May, 1680, Lord Culpepper commenced his administration, in the true spirit of a representative of the then British monarch; and, as a masterpiece of tyrannical legislation, he endeavoured to silence all complaints, both against his despotism and his plunder, by creating a law which prohibited, under the severest penalties, all disrespectful allusions to his person, and all observations on his proceedings. A just discontent, thus denied its natural and legitimate mode of expression, broke forth as it should do, as much for the good of the oppressor as the oppressed, in a more substantial form; and an insurrection ensued, which would have been attended with very serious consequences, had not the prudence, kindness, and vigour of Sir Henry Chicheley been ready at hand. Having diffused terror through the colony by his trials and executions, Lord Culpepper proceeded to England to report the success of his experiments on colonial government. His services do not appear to have been appreciated even by the kindred spirit of his royal master; for, on his arrival, he was ordered into confinement for returning without leave; and being brought to trial, he was found guilty, and deprived of his commission.*

In the exercise of his royal pleasure, Charles selected, for the loyal colony of Virginia, a governor very little better than his predecessor. Lord Effingham, among other instructions equally illiberal, brought with him an order that no person should use a printing press in the colony on any pretence whatever!—an example, by the way, which both our African and Indian colonial governments have frequently evinced a considerable inclination to imitate. Having thus set the press perfectly free from all its labours, he felt himself at ease in the pursuit of plans of aggrandizement, which have frequently formed a most important branch of the science of colonial political economy; and, in order to attach to plunder the sanction of a mock legality, he established a court of chancery, with suitable powers, appointing himself the judge! He instituted fees worthy of so high an office, provided that nearly the whole should centre in himself, and even divided with the clerks of the court the emoluments which nominally appertained to them.

Although the press was silenced, the governor could not prevent the assembly from delegating an agent to advocate their cause in England, and to urge his removal. But before Lord Effingham or

* Chalmers, p. 340—345.

his accuser could cross the Atlantic, the revolution of 1668 had happily occurred. Some of the requests forwarded by Colonel Ludwell were complied with, but William was either unable or unwilling to displace the officers appointed by the preceding government; and Lord Effingham was continued till 1692, when he was replaced by Sir Edmund Andros, who, as might have been anticipated from his proceedings in New England, was no less obnoxious to the colonists.

It was during this year that William and Mary, at the solicitation of the general assembly of Virginia, granted a charter for "The College of William and Mary in Virginia." The preamble states, "that the church of Virginia may be furnished with a seminary of ministers of the gospel, and that the youth may be piously educated in good letters and manners; and that the Christian faith may be propagated among the Western Indians, to the glory of Almighty God"—their trusty and well beloved subjects, constituting the general assembly of their colony of Virginia, have had it in their minds, and have proposed to themselves, to found and establish a certain place of universal study, or perpetual college of divinity, philosophy, languages, and other good arts and sciences, consisting of one president, six masters or professors, and a hundred scholars more or less, according to the ability of said college, and its statutes, to be made by certain trustees nominated and elected by the general assembly of the colony.* An attempt was also made at this time to establish a post throughout Virginia. A patent was laid before the Virginian assembly, for making Mr. Neal post-master-general of that and other parts of America; but, though the assembly passed an act in favour of this patent, it had no effect. The reason assigned is, that it was impossible to carry it into execution, on account of the dispersed situations of the inhabitants.

From this period to the French war in 1756, (which, as it affected the interests of all the settlements, will form a distinct chapter subsequent to the history of the several colonies,) there is scarcely any memorable occurrence in the history of Virginia. Notwithstanding some unfavourable circumstances,

the colony continued to increase. The use of tobacco becoming general in Europe, gave constant employment to the industry of the planters, and diffused wealth among them. Its position, remote from the settlements of the French in Canada, and of the Spaniards in Florida, was favourable to its quiet; and New England and New York, on the one hand, Georgia and the Carolinas on the other, protected it from savage incursions.

New England had no rest until the peace of 1763. The French and Indians were constantly harassing the frontier settlers, by massacres and conflagrations, while Virginia was building up her institutions. She had in her infancy drunk deeply of the cup of miseries which is filled by Indian warfare; but now it had passed from her, and peace and plenty were in all her borders—a most desirable situation for any country.

CHAPTER III.

MASSACHUSETTS.

THE world presents no parallel to the history on which we now enter. The love of glory or of gold has been the impelling cause of the commencement of other colonies, and the foundation of other empires; but in this instance religion, and that of no ordinary kind, either as to its purity or its intensity, was the grand principle of colonization. It was a church rather than a kingdom that these master-spirits of the age sought to establish on the transatlantic shores; and the selection of their location seems to have well accorded with their object. "Arrived at this outside of the world, as they termed it, they seemed to themselves to have found a place where the Governor of all things yet reigned alone. The solitude of their adopted land, so remote from the communities of kindred men that it appeared like another world,—a wide ocean before them, and an unexplored wilderness behind,—nourished the solemn deep-toned feeling. Man was of little account in a place where the rude grandeur of nature bore as yet no trophies of his power. God, in the midst of its stern magnificence, seemed all in all; and with a warmer and

* "Francis Nicholson, lieutenant-governor of Virginia and Maryland, and seventeen other persons nominated and appointed by the assembly, were confirmed as trustees, and were empowered to hold and enjoy lands, possessions, and incomes, to the yearly value of 2000*l.* and all donations, bestowed for their use. The Rev. James Blair, nominated and elected by the assembly, was made first president, and the bishop of London was appointed and confirmed by their majesties to be the first chancellor of the college. To defray the charges of building the college, and supporting the president and masters, the king and queen gave nearly 2000*l.*, and

endowed the college with 20,000 acres of the best land, together with the perpetual revenue arising from the duty of one penny per pound on all tobacco transported from Virginia and Maryland to the other English plantations. By the charter, liberty was given to the president and masters or professors to elect one member of the house of burgesses of the general assembly. In grateful acknowledgment of the royal patronage and benefaction, the college was called William and Mary."—Holmes's *American Annals*, vol. i. p. 143.

devouter fancy than that which of old peopled the groves, the mountains, and the streams, each with its tutelary tribe, they mused in the awful loneliness of their forests on the present Deity, saw him directing the bolt of the lightning, and pouring out refreshment in the flood; throned on the cloud-girt hill, and smiling in the pomp of harvest. If ever the character of men has been seen more than any where else in powerful action or development, and operated on by the force of peculiar and strongly-moving causes, it was here. Nor, wrought on as all were by similar influences of place, fortune, and opinion, was ever any thing produced like a lifeless unpoetical monotony of character. Nothing could be more opposed to this than was the spirit of puritanism. Wrong or right, every thing about these men was at least prominent and high-toned. Excitement was their daily bread, as it is other men's occasional luxury; and the diversities of character in this community, where, for the most part, people thought so much alike, were more strongly marked than they have often been in other places in the most violent conflicts of opinion. To a religious model, by force or accord, every thing, even relating to the most private and secular concerns, was made as far as might be to conform; for 'noe man,' saith Mr. Cotton, 'fashioneth his house to his hangings, but his hangings to his house.' Religion, politics, fashion, and war, never came elsewhere into so close companionship. The meeting-house and the armory were built side by side, as yet, by the force of old habit, they stand the country through. A desperate courage and dexterity in arms were enjoined as religious duties. The old considered questions of polity at the meeting. The demure youth went from testifying with his mouth in the assembly, to testify with his firelock in the field; and the muffled maiden lisped in biblical phrase her soft words of encouragement or welcome."* This is a powerful description; but the reality will be found much to exceed it.

We can barely allude to the attempt to form a settlement on the Sagadahock, or Kennebeck river, in the year 1607;† the voyage of Hudson in the service of the Dutch, in 1609; and the discoveries of the celebrated Captain Smith.‡ Although these voyages tended to keep alive the spirit of colonization, they did not produce any permanent results. It is not till the arrival of Mr. Robinson's church, in 1620,

that the settlement of New England can date its origin.

As the whole history of this important colony is so closely interwoven with the religious sentiments of its founders, it will be desirable briefly to notice the circumstances in which they originated. The reformation is an event, with the character of which, doubtless, all our readers are well acquainted; but of all the churches that underwent the purifying process of that age, the English was placed, perhaps, in circumstances the least favourable. While governed by a proverbially libidinous and tyrannical monarch, who sought his own aggrandizement from the revenues of the monasteries, and revenge on the papacy for opposition to his insatiable desires, rather than any beneficent influence on the corruptions of the clergy, little could be expected, and less was realized. The young and pious Edward would have effected a thorough reform, both in the constitution and the forms of the church, but his life was too brief to allow of the completion of his designs. The horrors of the reign of Mary had a powerful tendency to promote the spirit of puritanism which had arisen during the previous reigns; and Elizabeth found that her most strenuous endeavours, though plentifully sealed with innocent blood, could not quell it, but only left her to indulge in unavailing self-reproach for the cruelties which disgraced her otherwise brilliant reign.

The accession of James of Scotland to the English crown naturally excited the hopes of the puritans. He had been bred a presbyterian, and was known to have publicly declared that the Scotch church was the purest under heaven, and that the English liturgy sounded to him like "an ill-mumbled mass;" but availing himself liberally of that privilege of altering his opinion with circumstances, which kings have at all times found a most convenient and truly royal prerogative, when he found himself safely seated on the English throne, he discovered that "a Scottish presbytery agreed as well with monarchy, as God with the devil." He gratified the puritans so far as to appoint a conference between them and the high church party, at Hampton Court, but the result showed that they had no reason to expect favour or justice at his hands.

In these circumstances, many of them prepared to seek a refuge in Virginia, but were prevented from

* North American Review, vol. xii. p. 480—482.

† Hutchinson's History of Massachusetts, vol. i. p. 2. Holmes's Annals, vol. i. p. 130. Robertson, b. x. Grahame, vol. i. p. 184. Smith's Hist. Virg. and New England, p. 203.

‡ Smith's Hist. Virg. and New England, p. 207. Hutchinson,

vol. i. p. 2. Hubbard, New England, c. 2. Mather's Magnal. b. i. c. 1. Chalmers, b. i. c. 4. Belknap. Biog. Art. SMITH, vol. i. p. 305. Robertson, b. x. Holmes's Annals, vol. i. p. 147. Grahame, vol. i. p. 186. Murray, vol. i. p. 239.

carrying their intentions into effect by a proclamation, commanding that none should settle in that colony without express license under the authority of the great seal. Thus harassed and oppressed, the puritans emigrated in considerable numbers to the protestant states of Europe. Among these dissentients, it might very naturally be expected that considerable variety of opinion should exist; some were for a total separation from the established church, and would not even receive any as members of their association, who would hold any kind of communion with their episcopal and endowed brethren; others were desirous only of a more effectual reformation of the corruptions of the church, and objected little, either to its episcopal form, or its emoluments. The former class were termed Brownists, from one of their principal ministers; but Mr. Robinson* and his church were of the more liberal party: they retired to Amsterdam. in the year 1607, and subsequently removed to Leyden.

After residing several years in that city, various causes influenced them to entertain serious thoughts of a removal to America. The unhealthiness of the low country where they lived; the hard labours to which they were subjected; the dissipated manners of the Hollanders, especially their lax observance of the sabbath; the apprehension of war at the conclusion of the truce between Spain and Holland; the

fear, lest their young men would enter into the military and naval service; the tendency of their little community to become absorbed and lost in a foreign nation; the natural and pious desire of perpetuating a church, which they believed to be constituted after the simple and pure model of the primitive church of Christ; and a commendable zeal to propagate the gospel in the regions of the New World; all concurred to direct their attention to the selection of an abode free from the evils they dreaded, and affording a field for the perpetuation and extension of their religious sentiments. In 1617, having concluded to go to Virginia,† and settle in a distinct body under the general government of that colony, they sent two of their brethren to England to treat with the Virginia company, and to ascertain whether the king would grant them liberty of conscience, in that distant country. Though these agents found the company very desirous of the projected settlement, and willing to grant them a patent with as ample privileges as they had power to convey, yet they could prevail with the king no farther, than to engage that he would connive at them, and not molest them, provided they should conduct themselves peaceably. Toleration in religious matters by his public authority, under his seal, was denied; the agents therefore returned to Leyden with tidings which tended to discourage the design of the congregation. Resolved to make ano-

* Most of the historians of New England have confounded Mr. Robinson and his congregation with the Brownists. Robertson has done so; and even Grahame, who is usually peculiarly accurate, has followed him. From the attention we have given this point, we agree with the opinion of the writer in the *North American Review*. "The term Brownist," says the reviewer, "is one by which the people, who emigrated to Leyden and afterwards founded the Plymouth colony, were stigmatized by their contemporaries; but it was an appellation which they disavowed, and which Dr. Prince, in his invaluable *New England Chronology*, has satisfactorily shown did not belong to them. The Brownists were the most rigid sect of the puritans, and vehemently insisted on a total separation from the church of England. Robinson, on the contrary, the father of the Leyden church, published a book, in which he allowed and defended the lawfulness of communicating with the church of England 'in the word and prayer,' and allowed the pious members of the church of England, and of all the reformed churches, to communicate with his church. This liberality was so offensive to the Brownists, that they would hardly hold communion with the church of Leyden. The members of this church were more properly called Independents or Congregationalists. They acknowledged all the doctrinal articles of the church of England, and differed from it only in matters of an ecclesiastical nature. In respect to these, they maintained the principles which are at the foundation of the congregational churches of this country to this day. Robinson, in his farewell address to that part of his flock which embarked for this continent, after a discourse which breathes a noble spirit of Christian charity, not only remarkable at that day, but which has been often quoted with admiration in the present age, adds, 'I must also advise you to abandon, avoid, and shake off the name of Brownist. It is a mere nickname; and a brand for the making religion, and the professors of it, odious to the Christian world.' The followers of Brown, who emigrated to Amsterdam, never came to this country. There is no truth, therefore, in tra-

cing the origin of the New England settlements to 'the obscure sect of the Brownists.'"—*North American Review*, vol. ix. p. 368, 369. So far, indeed, from Mr. Robinson being a bigot, he was in advance of his age in the liberality of his sentiments; and many who now boast much of their attachment to truth alone, would do well to attend to this excellent man's charge to his congregation delivered two centuries ago. "If God reveal anything to you, by any other instrument of his, be as ready to receive it as ever you were to receive any truth by my ministry; for I am verily persuaded, I am very confident, the Lord has more truth yet to break forth out of his holy word. For my part, I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no farther than the instruments of their reformation. The Lutherans cannot be drawn to go beyond what Luther saw; whatever part of his will our God has revealed to Calvin, they will rather die than embrace it; and the Calvinists, you see, stick fast to where they were left by that great man of God, who yet saw not all things. This is a misery much to be lamented, for though they were burning and shining lights in their times, yet they penetrated not into the whole counsel of God; but, were they now living, would be as willing to embrace farther light, as that which they first received. I beseech you remember it, 'tis an article of your church covenant, that you be ready to receive whatever truth shall be made known to you from the written word of God. Remember that, and every other article of your sacred covenant. But I must herewithal exhort you to take heed what you receive as truth. Examine it, consider it, and compare it with other scriptures of truth, before you receive it; for 'tis not possible the Christian world should come so lately out of anti-christian darkness, and that perfection of knowledge should break forth at once."—Mather, b. i. c. iii. § 8.

† The whole of British North America at this period still retained this appellation.

ther trial, they sent two other agents to England, in the following February, to make arrangements with the Virginia company; but dissensions then arising in that body, the business was necessarily procrastinated. After long attendance, the agents obtained a patent; but, though procured with much expense and labour, it was never used, because the gentleman, in whose name it was taken out, was prevented from executing his purpose of accompanying his intended associates. This patent, however, being carried to Leyden for the consideration of the people, with several proposals from English merchants and friends for their transportation, they were requested to prepare immediately for the voyage. It was agreed that some of their number should go to America to make preparation for the rest. Mr. Robinson, their minister, was prevailed on to stay with the greater part at Leyden; * Mr. Brewster, their elder, was to accompany the first adventurers; but these, and their brethren remaining in Holland, were to continue to be one church, and to receive each other to Christian communion, without a formal dismissal, or testimonial. Several of the congregation sold their estates, and made a common bank, which, together with money received from other adventurers, enabled them to purchase the *Speedwell*, a ship of sixty tons, and to hire in England the *May-flower*, a ship of one hundred and eighty tons, for the intended enterprise. Preparation being thus made, the emigrants having left Leyden for England in July, sailed on the 5th of August from Southampton for America; but, on account of the leakiness of one of the vessels they were twice obliged to return. Dismissing this ship, as unfit for the service, they sailed from Plymouth on the 6th of September in the *May-flower*. After a boister-

* "It was his intention to follow them with the majority that remained, but various disappointments prevented. He died March 1, 1625, in the fiftieth year of his age, and in the height of his usefulness. Another portion of his church, with his widow and children, afterwards came to New England."—Allen's Biography, p. 501.

† It was as follows:—"In the name of God, amen. We, whose names are under-written, the loyal subjects of our dread sovereign Lord, King James, &c., having undertaken, for the glory of God and advancement of the Christian faith, and honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God, and of one another, covenant and combine ourselves together, into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof, to enact, constitute, and frame such just and equal laws and ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."—Pitkin's Civil and Political History of the United States, vol. i. p. 33.

‡ John Carver, the first governor of the Plymouth colony, was a native of England, and one of those who fled to Holland with Mr. Robinson, to enjoy, in that Protestant country, without fear of

ous passage, they, at break of day, on the 9th of November, discovered the land of Cape Cod. Perceiving that they had been carried north of the place of their destination, they stood to the southward, intending to find some place near Hudson's river, for settlement; but they were ultimately induced, by the advanced season of the year, and the weakness of their condition, to relinquish that part of their original design. The master of the ship, availing himself of the fears of the passengers, and of their extreme solicitude to be set on shore, gladly shifted his course to the northward; and it is said he had been clandestinely promised a reward in Holland, if he would not carry the English to the Hudson river. Steering again, therefore, for the cape, the ship was clear of danger before night; and the next day, a storm coming on, they dropped anchor in Cape harbour, where they felt themselves secure.

Never were any civilized people placed more completely in a state of nature than this little band of pilgrims, as they have been justly called. They had, indeed, literally, a world before them; but that world was a wilderness, and Providence was their only guide. Being without the limits of the South Virginia patent, they were destitute of any right to the soil on which they landed; nor had they any powers of government derived from authority. Sensible of the necessity of some compact or form of civil government among themselves, they voluntarily entered into, and subscribed a written constitution.† This brief but comprehensive code of civil government, was signed by forty-one persons. It contained the elements of those forms of government peculiar to the New World. Under this system, John Carver‡ was, by general consent, chosen their first governor,

a hierarchy that dealt in fagots and stakes, the religion of their choice. New difficulties beset them here; although they were not persecuted for their belief, they were apprehensive that their children would be led away by the people about them, who were not sufficiently strict for those pilgrims.—The history of these adventurers ought never to be forgotten. It is wonderful to think what changes have been produced in the world by the simple circumstance that a handful of men should have left one continent to find a resting place on another. On the 22d day of December, 1620, a small vessel, of a hundred and eighty tons burthen, not much larger than some of our coasting vessels at this period, on board of which, according to the notions of modern comfort, not more than a dozen passengers could be accommodated for a short voyage, entered the harbour of Plymouth, and from her landed, with the intention of making it a permanent residence, one hundred and one persons. The bleak shores of New England received this little band of pilgrims, at this inclement season of the year, after they had been a hundred and sixty-nine days from Holland, and a hundred and seven from England. The deed was one of daring, and one which could alone have been supported by religion, enthusiasm, and fortitude: their minds were braced up to it; there was something of that glow which beamed from the countenance of the first martyr in every breast of the pilgrims. They had lived nearly eleven years in a strange land, and had learned to concentrate their mental

"confiding," as the electors say, "in his prudence, that he would not adventure upon any matter of moment without the consent of the rest, or, at least,

advice of such as were known to be the wisest among them."

Government being thus established, sixteen men,

energies, and to bring them to bear on this one purpose—on finding an asylum, where they could, without being molested, enjoy their religion in their own way. The whole time of their exile was one continued training for the enterprise, both as to body and mind. Their great leader and patriarch, John Robinson, was a man of true evangelical piety, and of the most consummate political sagacity; his religious creed was simple and pure—the doctrines of his divine Master. He held in reverence the mighty names of the reformers, but he spurned the thoughts of holding on the skirts of the garments of mortal, sinful man, to raise him to eternal life, and he bade his followers beware of names. His parting blessing to the pilgrims should have a brighter glory than being written in letters of gold, in temples reared by hands; they should be written on the hearts of every Christian republican. His doctrines were the essence of human reasoning, aided by the lights of revelation. He implored them in the name of his Father in heaven; by all they suffered, and by all they enjoyed, to become wiser and better. They followed his principles from love and duty; and every wind that lacerated the branches of the trees they planted, drove the roots deeper into the soil.

The first days of the pilgrims were dark and sorrowful; before the return of spring, many of them had paid the debt of nature: mourning was in every family, and the cold and snowy bosom of the virgin earth had been consecrated by the ashes of their beloved dead, and hallowed by the hopes of the resurrection and the life to come, before the soil had been turned up for the planting of a single vegetable for their sustenance, or a flower had sprung from it by the hand of cultivation. Forty-four had died before the end of March, and the rest were weary and heavy laden with many cares; but the sickened soul has a communion with God that no language can reach; it rests on the promises of revelation, and has a foretaste of immortality.

The settlement of Massachusetts Bay, ten years after the landing of the pilgrims, was in pursuance of the same great plan of enjoying their own thoughts in their own way. This expedition was on a tenfold broader scale than the former, with a better digested system of operations, and, of course, was more successfully executed: but those settlers had days of sickness, of heart-ache, of hardships and trials; but in their march, they cheered the pilgrims, and made their safety a common cause. The usual view of this subject is, that the settlement of New England grew out of the religious persecutions in England, after the death of Elizabeth. I am not content with so confined a view, and will venture on a wider range of thought than this; for I consider the discovery and settlement of this country the greatest event in the history of man, saving and excepting the introduction of our holy religion; and I think I see through the vista of history the finger of God pointing to it for six centuries before its accomplishment. The crusades opened the drama; they did indeed exhaust Europe, ignorant and fanatical Europe, of her best blood and treasure; but they brought home many lessons of experience. They learnt much from the virtues of the infidels they went out to extirpate or proselyte. In the Saracenic character was a sturdiness of virtue, far transcending that which passed well in the Christian world at that time; and that they were far better informed, cannot now be questioned. Every battle, and all the bloodshed of the crusades sprung, from the excitement which at that period awakened the human mind to action; and out of the sum of human errors were brought many true results. In the year 1453, the Turkish emperor turned his sword on Europe; and Constantinople, so long the proud seat of the Greek emperors, fell before his conquering arm. The Christian world was amazed and terrified beyond description: they saw in the standard of the Turk, a meteor, that was to blaze over Europe. Churches were to sink before minarets and mosques; and the Alcoran was to supplant the Sacred Scriptures: but short sighted man was disappointed most happily in this: the arms of the conqueror went no farther, and the seeming evil produced abundance of good. The Mussulman drove out, from this ancient and lovely seat of learning, the Greek scholars and philosophers who had long con-

gregated there, and made them schoolmasters for all Europe. They brought out with them many rich manuscripts, which had been concealed from the greatest portion of the world for ages. Kings, nobles, and sovereign pontiffs, contended with one another for the possession of these treasures; but while they were engaged in this noble strife, the art of printing was discovered; and almost faultless copies of the classics were multiplied, until the humblest scholar could enjoy the company of the poets and orators of ancient days, with the same freedom as the potentates of the earth. From this moment the intellectual world was changed. This invention was at once the sign and the proof, that the world should never again be deluged by a flood of ignorance: not only were the classics disseminated, but the Scriptures also were put into every one's hands. The human mind began to throw off its shackles, and a spirit of free inquiry went abroad. Every one was active in the pursuit of knowledge. This was not all: about this time gunpowder, which had been previously discovered, came into general use, in military and naval warfare, and the campaign was now more often decided by science and skill than by mere physical force.

This change in warfare was absolutely necessary to the settlement of this country, in order that the skill of the few should be equal to the strength of the many. This skill saved the New England colonies in the Pequot war. If printing had not been discovered, in all probability, Columbus would not have received sufficient of the elements of geometry to have assisted him in traversing the Atlantic; and if fire-arms and cannon had not been in use, the handful of Spaniards would not have got a footing on the continent.

The discovery of the new world gave a new spring to human enterprise, opened new trains of thought, new paths of gain and of information. Man, before this period, was more dependant on his own thoughts for improvement than afterwards, when by a rapid circulation of books his mind became enriched by the rays of light from ten thousand other minds. Guided by these new impulses, he arose and swept away the thousand little errors of thinking, and grappled with dogmas, which in former days he feared to touch. The sovereign pontiff, whose ecclesiastical reign was not bounded by seas and empires, grew more proud by this extent of authority, and more lavish of his wealth, believing that the western world was full of gold. Still the fulness of time had not come for planting a colony in New England. It was necessary not only that man should become enlightened and polished, but that his morals should become stricter, and his reasoning powers made more acute and discriminating, before he could set out upon the doctrine of self-government, and to fix his own articles of belief. The awful responsibility of reasoning for one's self had not been for ages assumed. Scintillations of freedom of thought were seen here and there, when Luther burst in a blaze upon the errors of the pontiff, the church, and all who had sustained them. Like other reformers, he was often more zealous than wise, and sometimes laboured harder to correct a folly, than to destroy a false principle; but his ends were noble, and his means honest and primitive. He dared, single-handed, to pluck the wizard beard of hoary error; to meet the idols of wealth and power, with reason and scripture, as his only weapons. He wrestled with ignorance and sophistry; fought bigotry; and unappalled, met tyranny and oppression. With the natural courage of a Cesar, he united the inflexible spirit of the Christian martyr. His labours were wonderful, and their effects still more so. In imitation of his divine master, he entered the temple with a scourge, and drove out the changers of money, the extortioners, and those who daily polluted the sacred fane. But one man, however great his powers, could not reform an age, or correct a church, grown callous and proud, and grasping at still greater sway over the minds of men. Another reformer followed with equal genius, and equal zeal. Luther attacked practices and habits; but Calvin, striving to root out false principles, plunged into the depths of metaphysics, and set the world to reasoning on all abstruse subjects. He came more to reform thoughts and passions, than acts and deeds; still he was not

well armed, with a few others, were sent on shore the same day, to fetch wood and make discoveries; but they returned at night without having found any person or habitation. The company, having rested

unmindful of these things. In the ways of God, *the wrath of man shall praise him*; so do his weaknesses, his follies, and his passions; the quarrel between Henry VIII. and the Pope, was another cause of the advancement of true religion. Henry's case proved that all that was done on earth, by man assuming to be holy, was not ratified in heaven; for England flourished notwithstanding all the anathemas launched from the Vatican. After men had begun to reason for themselves in every part of Europe, sects grew up, and boldly assailed the established order of things. Some of them rose in frenzy, and died in shame; but others have continued, and will continue, because they were founded upon immutable principles. Among those who held their faith steadfast and immovable, were our Pilgrim Fathers; for their belief contained what no other creed ever did before—a declaration that it was susceptible of improvement, and with this frank avowal—that God has more truth yet to break forth from his holy word; and it was their firm persuasion, that new lights would constantly arise, and new and refreshing views of the will of God would be given from the Scriptures; that man, as a religious being, was to be progressive, as well as an intellectual one. The pilgrims were of the order called Puritans, and of the sect improperly called Brownites; but the great divine at their head conjured them to sink the name, and they did so among themselves, after they arrived in this country; but the appellation of Pilgrims they retained with fondness; for the first child born among them, on these shores, they baptized Peregrine, in allusion to their wanderings.

Thus the moral, intellectual, religious, and political seed sown on these northern shores, was as pure and as full of life as any ever sown on any soil in any age of the world. In examining the course pursued by the pilgrims, every one must be struck with the strong moral honesty, in their first intercourse with each other. A community of interests they soon found would not answer their purpose, and they came to an amicable understanding of having separate worldly interests, preserving the integrity of ecclesiastical, legislative, and military power. There were still so few of them for many years, and they were so closely connected in every thing, that they understood each other's minds, dispositions, and course of thinking, as well as acting. They were truly one people, of one heart, and of one mind. Labour gave them muscular strength, and their habits of reasoning upon every thing, taught them sagacity and quickness of thought. The philosophy of man as a thinking and an immortal being, tried by the standard of the Scriptures—the nature of governments—the doctrine of equal rights—the duties of rulers—how far obedience to civil institutions should extend—were constant topics of discussion in the labours of the field, in the chase over the hunting grounds, in the fishing smack, or on their travels in search of their foes. The constant alarm they were in for their personal safety, and the protection of their dwellings, instructed them in the true grounds of human courage—a confidence in themselves and in one another. Almost any man will fight bravely who is sure of the courage of his associates. They knew with whom they went out to fight, against whom they were to fight, and for what they fought; not only for their own existence, but for their wives and little ones. It was necessity that made them warriors; there was no prince or potentate to reward their valour; no spoil of an opulent enemy to gain and divide; no wreaths of glory; no buzzes of a grateful people were known to them. To fight well, was an every day duty, and their ties grew stronger by every shock. They were anxious for their offspring; and not for their immediate descendants alone, but for more remote posterity. They wisely came to the conclusion, that a republican government could not be supported without a more than ordinary share of intelligence, and they set about establishing schools on the broadest basis; and declared, that as the community shared in the benefits of a general diffusion of knowledge, they should be at the expense of educating the whole mass of the children. In the seventeenth year of the settlement of Massachusetts Bay, (May, 1647,) they passed this or-

during the sabbath, disembarked on Monday, the 13th of November; and soon after proceeded to explore the interior of the country. In their researches they discovered heaps of earth, one of which they dug

dinance, the most remarkable on the page of history. It was at once a proud tribute to their ancestors, and a spirited determination of their own, not to suffer their descendants to degenerate. They ordered that every town containing fifty families, or householders, should maintain a school for reading and writing; and that every town that numbered one hundred families or householders, should support a grammar school. The reasons given may seem quaint at the present day, but they are most admirable, and should never be forgotten. Some have attempted to take from them the honour of first establishing public schools at the common expense; this was a vain attempt; our records show the fact without difficulty; and we know that our records are true. The ordinance was carried into effect, if possible, in a more republican manner than one would expect from the very letter of the ordinance; for when a town was divided into school districts, each district was taxed in proportion to its property, and the school money was divided among the districts in proportion to the number of persons in it. And this principle, in many parts of New England, is still extant. The ordinance referred to runs thus: "It being one chief project of Satan, to keep men from the knowledge of the Scriptures, as in former times, keeping them in unknown tongues, so in these latter times, by persuading from the use of tongues, that so at least the true sense and meaning of the original might be clouded and corrupted with false glosses of deceivers; to the end that learning may not be buried in the graves of our forefathers in church and commonwealth, the Lord assisting our endeavours; it is ordered," &c., making the requisitions we have mentioned. In May, 1671, the penalty for neglect of this ordinance was increased; and in October, 1683, it was ordered, that every town, consisting of more than five hundred families or householders, should support two grammar schools and two writing schools. At the very threshold of their political existence, a college was founded; and from that time to this, most liberally supported. The system of parish, town, and county government, gave all, who strove for it, an opportunity to display their talents in some public way; there was no particular rank aside from the elective franchise, for the aspiring youth to bow to for office or favour. A man must then have had regard to the feelings of a virtuous and an enlightened people to rise into power. The government was in its form simple; but there is more wisdom in simplicity than in complexity.

The machinery of government was understood by all, for there were no concealed wires or hidden springs known to a favoured few, but unknown to the mass of the people; and there was but very little party spirit existing among them. The good of the whole was the happiness of each.

For the first century their growth was slow, but solid and hardy. Their numerous wars, and their traffic to the unhealthy climate of the West Indies, made great inroads upon the ranks of those just entering, and of those who had just entered, into life. The whole community were like that class in other countries, in which it has been said, that nearly all virtue and intelligence centres; in the class which has not reached opulence, and yet is above want. Our forefathers put in no claims for ancestral honours or splendid alliances, but they were justly proud of a pure honest blood; there were no left-hand marriages among them, and none of the poison of licentiousness, or the taint of crime. The women were as brave as the men, and a heroic mother seldom has a coward son. He who learns his lessons of valour on the knee of her who bore him, never shrinks from tales of fear, told by other tongues. Pure principles, early instilled into the human mind, where there are no evil communications to corrupt them, generally last through life. The other portions of New England were settled principally by emigrants from the old colony and Massachusetts Bay, and possessed the same characteristics, and have retained them quite as well as the parent states.

Carver did not live long to enjoy this land of religious freedom, for after enacting a few laws, and making a treaty with the In-

open, but, finding within implements of war, they concluded these were Indian graves; and therefore, replacing what they had taken out, they left them inviolate. In different heaps of sand they also found baskets of corn, a large quantity of which they carried away in a great kettle, found at the ruins of an Indian house. This providential discovery gave them seed for a future harvest, and preserved the infant colony from famine.* On the 6th of December the shallop was sent out with several of the principal men, to sail round the bay in search of a place for settlement. During their researches, part of the company travelled along the shore, where they were surprised by a flight of arrows from a party of Indians; but, on the discharge of the English muskets, the Indians instantly disappeared. The shallop, after imminent hazard from the loss of its rudder and mast in a storm, and from shoals, which it narrowly escaped, reached a small island on the night of the 8th; here the company reposed themselves, grateful for their preservation during the week; and on this island they kept the sabbath. The day following they sounded the harbour, and found it fit for shipping; went on shore, and explored the adjacent land, where they saw various corn-fields and brooks; and, judging the situation to be convenient for a settlement, they returned with the welcome intelligence to the ship.

On the 23d, as many of the company as could, with convenience, went on shore, and felled and carried timber to the spot appropriated for the erection of a building for common use. On the 25th, they commenced the erection of the first house. A platform for their ordnance demanding the earliest attention, they formed one upon a hill, which commanded an extensive prospect of the plain beneath, of the expanding bay, and of the distant ocean. They divided their whole company into nineteen families; measured out the ground; and assigned to every person by lot half a pole in breadth, and three poles in length, for houses and gardens. In grateful remembrance of the Christian friends whom they found at the last town they left in their native country, they called their settlement Plymouth. Thus was founded the first British town of New England.†

The climate was found much more severe than the colonists had anticipated; and they had arrived when winter was nearly one third advanced. They had

every thing to do, and in this season could do very little, even of what was indispensable. Their shelter was wretched; their sufferings were intense; their dangers were not small, and were rendered painful by an absolute uncertainty of their extent. All these evils they encountered with resolution, and sustained with fortitude. To each other they were kind: to the savages they were just: they loved the truth of the gospel; embraced it in its purity; and obeyed it with an excellence of life, which added a new wreath to the character of man.

"Such," says Dr. Dwight, "was the first colonization of this country. Almost every country on this globe has been originally settled by savages; or, if settled by civilized people, has been peopled solely for political or commercial purposes. Here the enjoyment and perpetuation of civil and religious liberty, conformity to the dictates of conscience, and a reverential obedience to the law of God, were the controlling principles. It is not contended that every individual was governed by these principles; but that this was the character of the great body is unanswerably evinced, if history can evince any thing. The manner in which they acted, and the spirit with which they endured distress, both in England and in Holland; the cool determination with which they resolved on so difficult an enterprise; the honourable testimonies which they received from the Dutch magistrates and people; the sacrifices which they made of property, safety, and comfort; the affection which they manifested to each other; the serenity, firmness, and submission with which they sustained the distresses of their voyage; the undiscouraged perseverance with which they encountered danger and suffering after they had landed; the wisdom of the government which they established; the steadiness of their submission to its regulations; their ardent piety to God; and the equity, gentleness, and good-will with which they treated the Indians, form a constellation of excellence eminently brilliant and distinguished. No intelligent Englishman would hesitate to acknowledge it as a luminous spot on the character of his nation; were he not, in a sense, compelled to remember, that he may be descended from those very men, by whose injustice these pilgrims were driven into this melancholy exile."‡

James I. about this time, being dissatisfied with the limited extent of the colony which had proceeded to

dians, he died suddenly on the 23d of March, 1621, and was succeeded by Mr. Bradford, as governor. Carver was a man of talents and integrity, and was a great loss to the infant colony,—as these pioneers of religious and political liberty required all that was firm in purpose and steadfast in faith to surmount the difficulties that beset them.—*American Editor.*

* "Before the close of the month, Mrs. Susannah White was delivered of a son, who was called Peregrine; and this was the first child of European extraction born in New England."

† Hubbard's History of New England, c. 9. p. 35—61. Smith's Hist. Virg. p. 230—233. I. Mather's Hist. New England, p. 5.

‡ Dwight's Travels, vol. i. p. 107.

establish his dominion on the vast tract over which he claimed the sovereignty; and the old chartered company of Plymouth having done nothing effectual towards any permanent settlement, he issued a new charter to the duke of Lenox, the marquis of Buckingham, and several other persons of distinction in his court, by which he conveyed to them a right to a territory in America, still more extensive than what had been granted to the former patentees, incorporating them as a body politic, in order to plant colonies there, with powers and jurisdictions similar to those contained in his charters to the companies of South and North Virginia. This society was distinguished by the name of the Grand Council of Plymouth for planting and governing New England; and their patent was the only civil basis of all the subsequent patents and plantations which divided this country. The expectations of the king respecting his new company were, however, disappointed; and after many schemes and arrangements, all the attempts towards colonization proved unsuccessful.

While this was transpiring in England, the New Plymouth colonists were advancing under favourable circumstances. After commencing their town, they took the earliest opportunity to ascertain the state of the surrounding country; and they found, to their surprise, that it had been absolutely depopulated, throughout a considerable extent, by the small pox, a short time before their arrival. This event opened to them a place of settlement, not only without any jealousy, but even with the good wishes of their aboriginal neighbours. The people who had been destroyed were Wampanoags. Massasoit, the chief sachem of his tribe, was continually threatened, after this destruction of his people, by their formidable neighbours, the Narrhagansetts. Having gained some knowledge of the character of the English from one of his own people, named Squanto, or Tisquantum, (one of twenty-four Indians kidnapped, carried off, and sold to the Spaniards of Malaga, by Thomas Hunt, as slaves, but afterwards conveyed to London, and thence again to America,) Massasoit believed, that the colonists might be made useful allies in the present state of his affairs. Accordingly he soon came to Plymouth, and entered into a treaty, offensive and defensive, with the colonists, which he maintained without any serious interruption to his death. He appears to have been a fair, honest, benevolent man. All these circumstances were favourable to the

English, but they deemed it prudent to use the means of farther security. They accordingly surrounded the town with fortifications, and erected three gates, which were guarded every day, and locked every night. In the succeeding summer they built a strong and handsome fort, on which cannon were mounted, and a watch kept; it was also used as a place of public worship.

During this year, Thomas Weston, a merchant of good reputation in London, having procured for himself a patent for a tract of land in Massachusetts Bay, arrived with two ships and fifty or sixty men, at his own charge, to settle a plantation at a place since called Weymouth, midway between Plymouth and Boston. But the colonists were of a dissolute character, and therefore totally unqualified for such an enterprise. The Indians whom they abused formed a plot for their destruction, but it was prevented from issuing fatally by the interference of the Plymouth settlers. The colony, however, was ruined the next year. Several other attempts of a similar nature were made soon after, but failed.

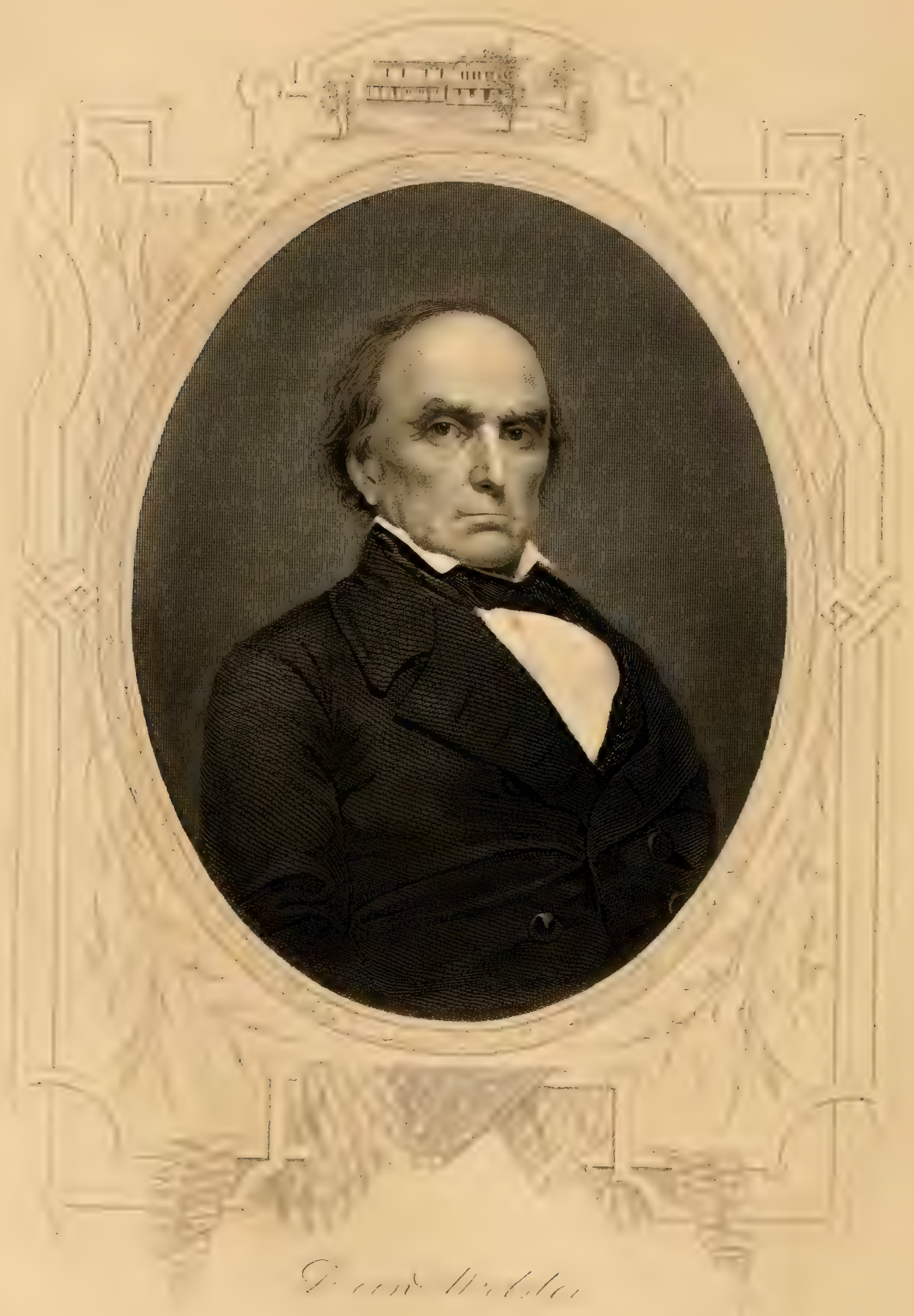
Of these fruitless efforts, we can only notice very briefly that of Robert Gorges, son of Sir Ferdinando, sent by the Plymouth council as general governor of New England, who arrived at Massachusetts Bay with several passengers and families, and purposed to begin a plantation at Wessagusset; but he returned home, with scarcely saluting the country within his government. Gorges brought with him William Morrell, an episcopal minister, who had a commission from the ecclesiastical courts in England to exercise a kind of superintendence over the churches which were, or might be, established in New England; but he found no opportunity to execute his commission. This was the first essay for the establishment of a general government in New England; but, like every succeeding attempt, it was totally unsuccessful.

Among the attempts at forming settlements at this time was one of a character as peculiar as it was undesirable. Captain Wollaston began a plantation, which he named after himself. One Morton, of Furnival's inn, was of this company. He was not left in command, but contrived to make himself chief, changed the name of Mount Wollaston to Merry Mount, set all the servants free, erected a may-pole, and lived a life of dissipation, until all the stock intended for trade was consumed.* He was charged with furnishing the Indians with guns and ammuni-

* "Morton took the counsel of the wicked husbandmen about the vineyard in the parable; for making the company merry one night, he persuaded them to turn out Filcher, and keep possession for themselves, promising himself to be a partner with them, and tell-

ing them, that otherwise they were like all to be sold for slaves, as were the rest of their fellows, if ever Rasdale returned. This counsel was easy to be taken, as suiting well with the genius of young men, to eat, drink, and be merry, while the good things last-





Gerrit W. Hildes



tion, and teaching them the use of them. At length, he made himself so obnoxious to the planters in all parts, that, at their general desire, the people of New Plymouth seized him by an armed force, and confined him, until they had an opportunity of sending him to England.

During the year 1628, the Plymouth colonists obtained a patent for Kennebeck; and up this river, in a place convenient for trade, erected a house, and furnished it with corn and other commodities; and while the trade of their infant colony was thus commencing toward the East, it became also gradually extended toward the west. After this commencement of trade, the Dutch often sent goods to the same place, and a traffic was continued several years. The offers of commercial intercourse made by the Dutch, who were settled upon the Hudson, were willingly accepted; and the arrangements then entered into laid the foundation of an advantageous trade, which was carried on for many years between the English and Dutch plantations, much to their mutual benefit.*

The time was now at hand, when the causes which had induced the voluntary exile of the Leyden congregation should produce an effect far more extensive. Applications to the Plymouth company from puritan congregations were now becoming frequent; and, in the year 1628, the council of Plymouth sold to Sir Henry Roswell and others, their heirs and associates, that part of New England which lies between two boundaries, one three miles north of the Merrimac, and the other three miles south of Charles river, from the Atlantic to the South sea. The same year Mr. Endicot, one of the patentees, came to New England, and planted himself, with a small colony, in Naumkeag, now Salem. The following year they were joined by about two hundred others, making three hundred in the whole, one hundred of whom, however, removed the same year, and settled themselves, with the consent of Mr. Endicot, governor of the colony, at Mishawum, now Charlestown. The second Salem company brought with them a considerable number of cattle, horses, sheep, and goats; which, after a little period, became so numerous as to supply all the wants of the inhabitants. Powers of government were granted to these colonists by Charles I., which constituted them a corporation, by the name of the Governor and Company of Massa-

chusetts Bay, in New England, with power to elect annually a governor, deputy governor, and eighteen assistants; four great and general courts were to be held every year, to consist of the governor, or, in his absence, the deputy governor, the assistants, or at least six of them, and the freemen of the company. These courts were authorized to appoint such officers as they should think proper, and also to make such laws and ordinances for the good and welfare of the company, and for the government of the colony, as to them should seem meet, provided such laws and ordinances should not be contrary or repugnant to the laws of England. The readiness with which this application was acceded to, and the principles on which this charter was constituted, are not easily accounted for, except that Charles and his ecclesiastical counsellors were desirous, at this time, to disencumber the church, in which they meditated extensive innovations, of a body of men, from whom the most unbending opposition to their measures might be expected.

The arbitrary proceedings of the British court, in affairs both of church and state, continued without any abatement, and induced many gentlemen of wealth and distinction to join the Plymouth company, and remove to New England. In 1629, many persons of this character, and among them the distinguished names of Isaac Johnson, John Winthrop, Thomas Dudley, and Sir Richard Saltonstall, proposed to the company to remove, with their families, on condition that the charter and government should be transferred to New England. To this the company assented, and in the course of the next year, John Winthrop, who had been chosen governor, with about one thousand five hundred persons, embarked. The fleet consisted of ten sail, one of which was of three hundred and fifty tons, and, from Lady Arabella Johnson, who sailed in her, was called the Arabella. Among the passengers were a number of eminent nonconformist ministers. The most highly esteemed was Mr. Wilson, the son of a dignitary of the church, who, by his connexions and talents, might have aspired to its highest honours, but chose to renounce all, in order to suffer with those whom he accounted the people of God. But the circumstance which threw a greater lustre on the colony than any other, was the arrival of Mr. John Cotton, the most esteemed of all the puritan

ed, which was not long, by that course which was taken with them, more being flung away in some merry meetings, than, with frugality, would have maintained the whole company divers months. In fine, they in proved what goods they had, by trading with the Indians awhile, and spent it as merrily about a may-pole; and, as if they had found a mine, or spring of plenty, called the place

Merry Mount. 'Thus stolen waters are sweet, and bread eaten in secret is pleasant,' till it be found, that 'the dead are there, and her guests in the depths of hell.'—Hubbard's Hist. New England, p. 103, 104.

* Hubbard's Hist. New England, p. 100.

ministers in England. Becoming an object of the persecuting fury of Laud, he left Boston in disguise, and spent some time in London, seeking a proper opportunity to emigrate. There went out with him Mr. Hooker and Mr. Stone, who were esteemed to make a glorious triumvirate, and were received in New England with the utmost exultation. Mr. Cotton was appointed to preach at Boston, now the principal town in Massachusetts Bay, and was mainly employed in drawing up the ecclesiastical constitution of the colony.

On the arrival of the principal ships of the fleet at Charlestown, the governor and several of the patentees, having viewed the bottom of the Bay of Massachusetts, and pitched down on the north side of Charles river, took lodgings in the great house built there the preceding year, and the rest of the company erected cottages, booths, and tents, about the town hill. Their place of assembling for divine service was under a tree. When the fleet had safely arrived, a day of thanksgiving was kept in all the plantations. Early attention was paid to the great object of the enterprise. On the 30th of July, a day of solemn prayer and fasting was kept at Charlestown, when Governor Winthrop, Deputy Governor Dudley, and Mr. Wilson, first entered into church covenant; and at this time was laid the foundation of the church of Charlestown, and of the first church in Boston. On the 27th of August, the congregation kept a fast, and chose Mr. Wilson their teacher. "We used imposition of hands," says Governor Winthrop, "but with this protestation by all, that it was only a sign of election and confirmation, not of any intent that Mr. Wilson should renounce the ministry he received in England."

On the 23d of August, the first court of assistants, since the arrival of the colonists, was holden at Charlestown. The first question proposed was, How the ministers should be maintained? The court ordered, that houses be built, and salaries raised for them, at the common charge. At the second court of assistants held at Charlestown, it was ordered, that no person should plant in any place within the limits

of the patent, without leave from the governor and assistants, or the major part of them; that a warrant should presently be sent to Agawam, to command those who were planted there to come immediately away; and that Trimountain be called Boston; Matapan, Dorchester; and the town on Charles river, Watertown. The governor, with most of the assistants, about this time removed their families to Boston; having it in contemplation to look for a convenient place for the erection of a fortified town.

The first general court of the Massachusetts colony was also held this year at Boston; when many of the first planters attended, and were made free of the colony. It was now enacted, that the freemen should in future elect assistants, who were empowered to choose out of their own number the governor and deputy governor, who, with the assistants, were to have the power of making laws, and choosing officers for their execution. This measure was fully assented to by the general vote of the people; but when the general court met, early the next year, it rescinded this regulation, and ordained, that the governor, deputy governor, and assistants, should be chosen by the freemen alone.

The colony was now gaining strength from its numbers and organization; but it had also its trials to contend with, not the least of which was the sickness arising from the severity of the climate, or, more truly, from the means of counteracting the injurious tendencies of the climate not being yet properly understood. Among those who fell an early sacrifice, none were lamented more than Lady Arabella Johnson and her husband, who had left the abodes of abundance and of social comfort for the American wilderness, purely from religious principle.* As soon as the severity of the winter was abated sufficiently to admit of assemblies being convened, the colonists proceeded to enact laws for their internal regulation. It has been before observed, that those who so resolutely ventured to cross the ocean, and to brave the hardships attendant on clearing the American forests, sought rather to establish churches, than to found a kingdom; it will naturally be sup-

* Cotton Mather, in his *Magnalia*, bestows this just, though somewhat quaint tribute to their character. "Of those who soon dy'd after their first arrival, not the least considerable was the Lady Arabella, who left an earthly paradise in the family of an earldom, to encounter the sorrows of a wilderness, for the entertainments of a pure worship in the house of God; and then immediately left that wilderness for the heavenly paradise, whereto the compassionate Jesus, of whom she was a follower, called her. We have read concerning a noble woman of Bohemia, who forsook her friends, her plate, her house, and all; and because the gates of the city were guarded, crept through the common sewer, that she might enjoy the institutions of our Lord at another place where they might be had. The spirit which acted that noble wo-

man, we may suppose, carried this blessed lady thus to and thro' the hardships of an American desert. But as for her virtuous husband, Isaac Johnson, Esq.,

—He try'd

To live without her, lik'd it not, and dy'd.

His mourning for the death of his honourable consort was too bitter to be extended a year; about a month after her death, his ensued, unto the extreme loss of the whole plantation. But at the end of this perfect and upright man, there was not only peace, but joy; and his joy particularly expressed itself, that God had kept his eyes open so long as to see one church of the Lord Jesus Christ gathered in these ends of the earth, before his own going away to heaven."—Cotton Mather's *Magnalia*, p. 21 22.

posed, therefore, that their legislation partook largely of an ecclesiastical character. Indeed the history of this colony (though we shall endeavour to make it as prominently a civil history as the case will admit) presents more matter for the ecclesiastical than the civil historian. At the very first court of election, a law was passed, enacting that none should hereafter be admitted freemen, or be entitled to any share in the government, or be capable of being chosen magistrates, or even as serving as jurymen, but such as had been or should hereafter be received into the church as members.* "This was a most extraordinary order or law," says Hutchinson, "and yet it continued in force until the dissolution of the government, it being repealed in appearance only after the restoration of King Charles II. Had they been deprived of their civil privileges in England by an act of parliament, unless they would join in communion with the churches there, it might very well have been the first in the roll of grievances. But such were the requisites to qualify for church-membership here, that the grievance was abundantly greater."

This is a very interesting, though reprehensible, feature in the history of the New England states. It has been justly observed, by a living author, that the puritans, whom the English dissenters claim as their

ancestors, had none of, what he is pleased to term, the latitudinarian ideas which the moderns possess. It does not appear that they disapproved of the principles of persecution; but rather of the extent to which it was carried, and of themselves being its objects. They adhered firmly to the doctrine that the sword of the magistrate should be employed to prevent the promulgation of sentiments differing from their own, never, apparently, having perceived that the principle would also justify the Romish church, and would call upon heathen magistrates to repel all christian instructors by a similar method: thus, what they regarded as pious in themselves, they felt to be iniquitous in others. Surely the dreadful results to which this erroneous principle so speedily led even these excellent men, to their irretrievable disgrace, must stagger, if not convince, the most ardent advocate for the intermixture of the civil power with the spiritual. In censuring, we must however bear in mind, that the light of experience had not shone on them with the lustre it sheds on the present generation, although it must be admitted, that the truth on this point was clearly stated to them by some of the objects of their persecution, especially by Roger Williams,† whose history we shall have more particularly to record.

It has already been observed, that the small-pox

* "None may now be a freeman of that company, unless he be a church member among them; none have voice in elections of governor, deputy, and assistants; none are to be magistrates, officers, or jurymen, grand or petit, but freemen. The ministers give their votes in all elections of magistrates. Now the most of the persons at New England are not admitted of their church, and therefore are not freemen; and when they come to be tried there, be it for life or limb, name or estate, or whatsoever, they must be tried and judged too by those of the church who are, in a sort, their adversaries. How equal that hath been, or may be, some by experience do know, others may judge."—Lechford. "This law at once divested every person who did not hold the prevailing opinions, not only on the great points of doctrine, but with respect to the discipline of the church and the ceremonies of worship, of all the privileges of a citizen. An uncontrolled power of approving or rejecting the claims of those who applied for admission into communion with the church, being vested in the ministers and leading men of each congregation, the most valuable civil rights were made to depend on their decision with respect to qualifications purely ecclesiastical. Even at a later period, when the colonists were compelled, by the remonstrances of Charles II., to make some alteration of this law, they altered it only in appearance, and enacted that every candidate for the privilege of a freeman, should produce a certificate from some minister of the established church, that they were persons of orthodox principles, and of honest life and conversation—a certificate which they who did not belong to the established church necessarily solicited with great disadvantage. The consequence of such laws was to elevate the clergy to a very high degree of influence and authority; and, happily for the colony, she was long blessed with a succession of ministers whose admirable virtues were calculated to counteract the mischief of this inordinate influence, and even to convert it into an instrument of good. Various persons, indeed, resided in peace within the colony, though excluded from political franchises; and one episcopal minister is particularly noted for having said, when he signified his refusal to

join any of the colonial congregations, that, as he had left England because he did not like the *lord bishops*, so they might rest assured he had not come to America to live under the *lord brethren*."—Grahame, vol. i. p. 263, 264.

† Dr. Dwight makes the following apology for the founders of New England. "Every government in the Christian world claimed, at that time, the right to control the religious conduct of its subjects. This claim, it is true, finds no warrant in the scriptures; but its legitimacy had never been questioned, and therefore never investigated. All that was then contended for was, that it should be exercised with justice and moderation. Our ancestors brought with them to America the very same opinions concerning this subject which were entertained by their fellow-citizens, and by all other men of all Christian countries. As they came to New England, and underwent all the hardships incident to colonizing it, for the sake of enjoying their religion unmolested, they naturally were very reluctant that others, who had borne no share of their burthens, should wantonly intrude upon this favourite object, and disturb the peace of themselves and their families. With these views, they began to exercise the claim which I have mentioned, and, like the people of all other countries, carried the exercise to lengths which nothing can justify. But it ought ever to be remembered, that no other civilized nation can take up the first stone to cast against them. An Englishman certainly must, if he look into the ecclesiastical annals of his own country, be for ever silent on the subject. It ought also to be remembered, that they scrupulously abstained from disturbing all others, and asked nothing of others, but to be unmolested at home."—Dwight, vol. i. p. 134. "It is sufficient to remark," says a writer in the *North American Review*, "that they never professed themselves the advocates of toleration. Toleration was not a virtue of the age in which they lived; and they ought not to be reproached with the want of it, since they cannot be charged with the opposite error, beyond every other Christian sect of that day. Their grand object was to worship God according to the dictates of conscience, and for this object

had devastated the neighbourhood of the English settlements to a very considerable extent. As several of the vacant Indian stations were well chosen, such was the eagerness of the English to take possession of them, that their settlements became more numerous and more widely dispersed than suited the condition of an infant colony. This led to an innovation which totally altered the nature and constitution of the government. When a general court was to be held in 1634, the freemen, instead of attending it in person, as the charter prescribed, elected representatives in their different districts, authorizing them to appear in their name, with full power to deliberate and decide concerning every point that fell under the cognizance of the general court. Before the court proceeded to the choice of magistrates, they asserted their right to a greater share in the government than they had hitherto been allowed, and passed several resolutions, defining the powers of the general court, and ordaining trial by jury. After the election of magistrates, they further determined, that there should be four general courts every year; that the whole body of freemen should be present at the court of election only; and that the freemen of every town might choose deputies to act in their names at the other general courts, which deputies should have the full power of all the freemen. The legislative body thus became settled; and, with but inconsiderable alterations, remained in this form during the continuance of the charter. The colony must henceforward be considered, not as a corporation whose powers were defined, and its mode of procedure regulated by its

charter, but as a society, which, having acquired or assumed political liberty, had, by its own voluntary deed, adopted a constitution or government framed on the model of that in England.

The baneful influence of the erroneous principles of the union of the civil and ecclesiastical power now became apparent, in the persecution of the most liberally minded man in the colony, Roger Williams. It is true, that he enthusiastically supported some tenets which were deemed heterodox, and occasioned considerable excitement by inveighing against the use of the cross in the national flag. In consequence of the spread of his opinion, some of the troops would not act till the relic of popery, as they considered it, was cut out of the banner, while others would not serve under any flag from which it was erased. At length a compromise was entered into, by which it was agreed that the obnoxious emblem should be omitted from the banners of the militia, while it was retained in those of the forts. This, however, was only one of the errors charged against Williams; it is said that he maintained that no female should go abroad unless veiled; that unregenerate men ought neither to pray nor to take oaths; that, indeed, oaths had better be altogether omitted; that the churches of New England should not acknowledge or communicate with the hierarchy from which they had separated; that infants should not be subjects of baptism; that the magistrate should confine his authority wholly to temporal affairs; and that James or Charles of England had no right at all to grant away the lands of the Indians without their consent.* For the zealous

they sought an asylum in the wilderness of this continent, where they should be removed from the sight of antichristian errors of every description. Nothing was farther from their thoughts, than to build up a republic, in which sectarians and fanatics of every denomination under heaven might mingle their multifarious rites, and confound their modes of Christian worship with their own."—*North American Review*, vol. ix. p. 375. "In the first moment that they began to taste of Christian liberty themselves, they forgot that other men had an equal title to enjoy it. With an inconsistency, of which there are such flagrant instances among Christians of every denomination, that it cannot be imputed as a reproach peculiar to any sect, the very men who had themselves fled from persecution became persecutors; and had recourse, in order to enforce their own opinions, to the same unhallowed weapons, against the employment of which they had lately remonstrated with so much violence."—Robertson's *Hist. America*, b. x.

* Lest our readers should be incredulous that many of these positions, which are now considered as indubitable truths, and acted on by most civilized nations, were then regarded as criminal errors, by men who were justly considered the excellent of the earth, we refer them to the following extracts from the authentic histories of Hubbard and Mather.

"Mr. Williams proceeded vigorously to vent many dangerous opinions; as amongst many others, these that follow are some: 1. First, that it was the duty of all the female sex to cover themselves with veils when they went abroad, especially when they appeared in the public assemblies. 2. Another notion diffused by him, occasioned more disturbance; for, in his zeal for advancing the

purity of reformation, and abolishing all badges of superstition, he inspired some persons of great interest in that place, that the cross in the king's colours ought to be taken away, as a relic of antichristian superstition. 3. Thirdly, also he maintained, that it is not lawful for an unregenerate man to pray, nor to take an oath, and in special not the oath of fidelity to the civil government; nor was it lawful for a godly man to have any communion, either in family prayer, or in an oath, with such as they judged unregenerate, and therefore he himself refused the oath of fidelity, and taught others so to do. 4. And that it was not lawful, so much as to hear the godly ministers of England, when any occasionally went thither; and therefore he admonished any church members that had so done, as for heinous sin. Also he spake dangerous words against the patent, which was the foundation of the government of the Massachusetts colony. 5. He affirmed also, that magistrates had nothing to do with matters of the first table, but only the second, and that there should be a general and unlimited toleration of all religions, and for any man to be punished for any matters of his conscience, was persecution."—Hubbard's *General History of New England*, p. 204—206.

"I tell my reader that there was a whole country in America like to be set on fire by the rapid motion of a windmill in the head of one particular man. Know, then, that about the year 1630, arrived here, one Mr. Roger Williams, who, being a preacher that had less light than fire in him, hath, by his own sad example, preached unto us the danger of that evil, which the apostle mentions in Rom. x. 2. 'They have a zeal, but not according to knowledge.' He violently urged, that the civil magistrate might not

propagation of these sentiments, he was deemed worthy of banishment from the colony of Massachusetts. The order of the court was, that he should be transported to England; but he escaped the limits of their jurisdiction, repaired to the Narraganset country, and became the founder of a new colony.

There is scarcely any writer that has done the sentiments or character of this eminent, though somewhat eccentric man, even tolerable justice; all his historians are his opponents; and they have evidently laboured hard to justify the proceedings of his persecutors, while they could not conceal the benevolent and unexceptionable character of the far greater portion of his life.* His reputation has, however, been placed in its true light by at least one of the American writers. "The first legislator who fully recognised the rights of conscience," says Mr. Verplanck, "was Roger Williams, a name less illustrious than it deserves to be; for, although his eccentricities of conduct and opinion may sometimes provoke a smile, he was a man of genius and of virtue, of admirable firmness, courage, and disinterestedness, and of unbounded benevolence. After some wanderings, he pitched his tent at a place, to which he gave the name of Providence, and there became the founder and legislator of the colony of Rhode Island. There he continued to rule, sometimes as the governor, and always as

the guide and father of the settlement, for forty-eight years, employing himself in acts of kindness to his former enemies, affording relief to the distressed, and offering an asylum to the persecuted. The government of his colony was formed on his favourite principle, that in matters of faith and worship, every citizen should walk according to the light of his own conscience, without restraint or interference from the civil magistrate. During a visit which Williams made to England, in 1643, for the purpose of procuring a colonial charter, he published a formal and laboured vindication of this doctrine, under the title of *The Bloody Tenet, or a Dialogue between Truth and Peace*. In his work, which was written with his usual boldness and decision, he anticipated most of the arguments, which, fifty years after, attracted so much attention, when they were brought forward by Locke. His own conduct in power was in perfect accordance with his speculative opinions; and when, in his old age, the order of his little community was disturbed by an irruption of quaker preachers, he combated them only in pamphlets and public disputations, and contented himself with overwhelming their doctrines with a torrent of learning, invective, syllogisms, and puns. It should also be remembered, to the honour of Roger Williams, that no one of the early colonists, without excepting William Penn him-

punish breaches of the first table in the laws of the ten commandments; which assertion, besides the door which it opened unto a thousand profanities, by not being duly limited, it utterly took away from the authority all capacity to prevent the land, which they had purchased on purpose for their own recess from such things; its becoming such a sink of abominations, as would have been the reproach and ruin of Christianity in these parts of the world. The church taking the advice of their fathers in the state, on this occasion Mr. Williams removed unto Plymouth, where he was accepted as a preacher for the two years ensuing. These things were, indeed, very disturbant and offensive; but there were two other things in his quixotism, that made it no longer convenient for the civil authority to remain unconcerned about him; for, first, Whereas the king of England had granted a royal charter unto the governor and company of this colony, which patent was, indeed, the very life of the colony, this hot-headed man publicly and furiously preached against the patent, as an instrument of injustice, and pressed both rulers and people to be humbled for their sin in taking such a patent, and utterly throw it up, on an insignificant pretence of wrong thereby unto the Indians, which were the natives of the country, therein given to the subjects of the English crown. Secondly, An order of the court, upon some just occasion, had been made, that an oath of fidelity should be, though not imposed upon, yet offered unto the freemen, the better to distinguish those whose fidelity might render them capable of employment in the government; which order this man vehemently withstood, on a pernicious pretence, that it was the prerogative of our Lord Christ alone to have his office established with an oath; and that an oath being the worship of God, carnal persons, whereof he supposed there were many in the land, might not be put upon it. These crimes at last procured a sentence of banishment upon him."—Mather. b. vii. chap. ii.

* Grahame has followed Mather, Hubbard, and Hutchinson, too closely; and has by no means perceived the true merit of his character. We are surprised he should have censured so strongly the objectionable traits, (vol. i. p. 268,) while he has passed over, with

but a slight notice, those principles which immortalize the name of Roger Williams. Murray is brief, but, in this case, exercises more penetration, and is more impartial. Even the North American Review seems embarrassed by an attempt to commend both parties: "We are not prepared to defend the proceedings against Roger Williams, and especially the ultimate sentence; but many considerations in extenuation, may be offered. The settlement was in its infancy. Some of the opinions which he pertinaciously inculcated, were dangerous to the establishment; and his conduct, in several particulars, may be justly viewed as seditious. In a more advanced state of the colony, his peculiar sentiments might have been inculcated without hazard, and would, probably, have been less seriously regarded. The new settlement had enemies of powerful influence, and its leaders were compelled to observe the most vigilant course in every transaction. Williams was continually gaining adherents by his perseverance and zeal, and some of his tenets were so extravagant, that their adoption would have convulsed and degraded the country. The leading characters, both in church and state, solicitous for the preservation of the system of religious and civil polity which they had sacrificed and suffered so much to erect, were desirous of recommending it to others by a discreet deportment, which might invite sober and considerate men to unite with them, and repel the malignant suggestions of their enemies." The fact is, the puritan emigrants were decidedly wrong in the principle they laid down as the basis of their commonwealth; and the proof of their error is abundant in the absurdity, injustice, cruelty, and murder, to which it seduced the noblest and purest spirits of the age, results which never arose from the influence of truth. All that can be said in their palliation is, that all the world, except the banished Roger Williams and a few others, were in the same error; and that hundreds of learned and professedly enlightened men found it very hard to abandon the error in the nineteenth century, till touched by the magic wand of the greatest captain of the age, and the first lord of the richest treasury in the world.

self, equalled him in justice and benevolence towards the Indians.”*

While the colonies were occupied with internal disputes, the English parliament, inquiring into the grievances of the nation, had turned their attention to the charters of the New England states; and deeming them injurious monopolies, both that of Plymouth and Massachusetts were declared forfeited to the king, and the colonies removed from the jurisdiction of the companies to that of the crown, an arrangement which, for some time, proved rather beneficial than detrimental.

During the year 1635, no less than three thousand persons arrived in New England.† Among them was Henry Vane, a young man of noble family, animated with a devotion to the cause of religion and liberty, which induced him to relinquish all his hopes in England, and settle in an infant colony which as yet afforded little more than a bare subsistence to its inhabitants: he was naturally received in New England with high regard and admiration, and was instantly complimented with the freedom of the colony. Enforcing his claims to respect by the address and ability which he showed in conducting business, he was elected governor in the year subsequent to his

arrival, by the universal consent of the colonists, and with the highest expectations of an advantageous administration. These hopes, we shall find in the sequel, were by no means realized. He entered too deeply into polemical theology, to allow him to devote the energies of his mind to the civil and political duties which afforded so abundant a field for their exercise. During his administration, the increase which had taken place in the colony promoted the settlement of Connecticut, and indirectly led to the war with the Pequod Indians, both of which circumstances we shall notice in the history of that state.

A brief period elapsed after the expulsion of Roger Williams, before the repose of the colony was again interrupted by religious dissensions. The puritans had transported, with their other religious practices, that of assembling one evening in the week to converse over the discourses of the preceding sabbath; a proceeding well calculated to keep alive that zeal which arises from the vigorous exercise of private judgment, but not to promote the subserviency requisite to a quiet submission to the uniformity of authorized opinions. These meetings had been originally confined to the brethren; but Mrs. Hutchinson,‡ a lady of respectable station in life, of considerable

* Anniversary Discourse, delivered before the New-York Historical Society, December 7, 1818, by Gulian C. Verplanck, Esq. p. 23—26.

† It was at this time that Charles I. prevented Pym, Hampden, and Cromwell, from emigrating to New England. The destitution of foresight with which despots are frequently visited, cannot but be admired as one of the most excellent arrangements of a merciful Providence. Two Charleses now have set their seal to the truth of this proverb, “*Quem Deus vult perdere, prius dementat.*”

‡ It often happens, that persons live in an age too early to have their merits duly estimated. This was the case of Galileo and others, who have done much for mankind. It often takes whole ages to set history right upon matters of fact and opinion. No person, in our annals, has suffered more obloquy without cause, than Mrs. Hutchinson. She came with her husband from Lincolnshire to Boston, in 1636. Her husband was a man of note, being a representative of Boston, and in good repute. Mrs. Hutchinson was a well educated, shrewd woman; she was a great admirer of Mr. Cotton, then a popular preacher in Boston, with whom, it is probable, she was well acquainted in England, as they came from the same county. She was ambitious and active, and was delighted with metaphysical subtleties and nice distinctions. She had a ready pen, and a fine memory, and from the habit of taking notes in church, she possessed herself of all the points in Mr. Cotton's sermons, which she was fond of communicating to others of less retentive faculties. She held conference meetings at her own house, and commented on the great doctrines, of salvation. She entertained several speculative opinions, that, in the present state of intelligence, would be considered as harmless as a poet's dream, but which, at that time, “threw the whole colony into a flame.” Every household was fevered by religious discussions upon covenants of faith and covenants of works, always the most bitter of all disputes. In all probability, the vanity of Mrs. Hutchinson was raised, to see that she could so easily disturb the religious and metaphysical world about her; and no doubt, but that the persecutions she suffered, made her more obstinate than she otherwise would have been. If they had let her alone, her doctrines would have passed away with a thousand other vagaries; but the clergy

would not suffer this to be, notwithstanding they risked something in calling this popular woman to an account. She was considered wiser and more learned in the scriptures than all her opponents. She had powerful friends. Sir Henry Vane, the governor, a popular young man, of large wealth, was her friend, and Cotton and Wheelwright, the ministers, were her warm supporters, and had a profound respect for her talents and virtues; but still the majority of the clergy was against her.

In 1637 a synod was called, the first in our history, which was held in conclave at Cambridge. It was composed of the governor, the deputy governor, the council of assistants, and the teachers and the elders of churches. They sat in conclave for fear of the people, particularly Mrs. Hutchinson's followers. Her friend, Sir Henry Vane, was no longer in the chair of state. In this body she was charged with heresy, and called upon to defend herself before these inquisitors. The charges and specifications were numerous, as is proved by the judgment of the court. Before the tribunal she stood for three weeks, defending herself against a body of inquisitors, who were at once the prosecutors, the witnesses, and the judges. The report of the trial is said to be from the minutes of Governor Winthrop, certainly not from her own brief. The charges from the governor, who presided, were vituperations and vague, consisting of general matters, rather than of special allegations; to all of which she returned the most acute and pregnant answers, evincing a mind of the first order. One after another of her judges questioned and harangued, but she never lost her self-possession. The only circumstance in the whole case that shows the sincerity of her judges, is the report they have made of her trial. Her judges were the first in the land, comprising every one in the colony, who had not fallen under the suspicion of having been her friend. That intolerant old Dudley, the lieutenant governor, was the most inveterate of her enemies. Cotton, who was called as a witness, behaved well, and, grave and holy as he was, was treated with great severity as a witness. On the whole, they proved nothing against her, but that she had expressed her own opinions freely, and supported them manfully, by unanswerable texts of scripture. No defence ever recorded in profane history has ever been equal to this. Socrates before his judges did not meet his ac-

native talent, and of affable manners, deemed it desirable that the sisters should also exercise a similar privilege. Unfortunately, it was not long before this lady and her associates discovered that there would be much more propriety in their instructing their ministers than in the reverse process, which had hitherto prevailed. They adopted that most convenient dogma, that good works are no evidence of being a true Christian, or one of the elect; and that the only testimony to a state of justification, was the overpowering assurance of the mind, produced by the immediate influence of the divine Spirit. It is not our place to discuss doctrines, but to record facts; or it would not be difficult to demonstrate, that it is through the incongruous and irrational ideas which have existed among the great mass of those who have been accustomed to deem themselves sound in doctrine, that these vagaries have acquired and maintained so utterly undeserved a prominence in what is termed the religious world. It has ever been a prime manœuvre of the great enemy of man, to connect the most magnificent truths with the most absurd errors; and thus to raise a cloud which encircles itself with the brilliancy of that very orb whose rays it obscures.

The disturbance occasioned by the propagation of these offensive sentiments, was aggravated by the circumstance of the governor, Mr. Vane, being their decided advocate. Vehement discussions and bitter accusations abounding; but the antinomian party, though most zealous, were least numerous; and at the annual election, Mr. Vane was displaced by Mr. Winthrop, by a very decided majority. After various

cusers with half the acuteness. Eugene Aram's defence had not the same directness and power nor that of Maria Antoinette more high mindedness. St. Paul's alone, before the Areopagi, can bear any comparison. He was charged of introducing a new God, which, by an Athenian law, was death, to prevent an increase of their catalogue of divinities. He escaped by declaring that he had not enlarged their number, but that he taught them who was the unknown God, whose temple he had seen among them, and whose name was inscribed on its walls.

Instead of raising a monument, as they should have done, to this most acute metaphysician and eloquent defender of herself, they found her guilty of more than eighty heretical opinions; but fortunately for themselves, they did not venture to specify them in her sentence, but ordered her to recant and renounce them, under the penalty of excommunication and banishment. Mrs. Hutchinson was firm; she made a fair explanation, but would not renounce what she conscientiously believed to be right, and was accordingly banished. She went to Rhode Island, but did not long remain there. After the death of her husband, in 1642, she went to the Dutch country beyond New Haven, and was, with most of her large family, massacred by the Indians. This, the superstitious considered as a judgment, "for many evils in her conversation, as well as for corrupt opinions;" and to this day she is called an artful woman, but not one of her accusers dare name one of those evils of conversation, and but two or three of those corrupt opinions. The writer feels ashamed of the land of his birth, in reading the whole course of this fanatical and unjust sentence, but would not

measures had been resorted to, in order to bring the dissentients within the pale of orthodoxy, a synod was called, which determined that the sentiments of Mrs. Hutchinson and her followers were grievously erroneous, and, as they still refused submission, the favourite measure of banishment was had recourse to. Another accession was thus made to the "alluvies," as Mather terms it, of Rhode Island; but not finding that land of liberty perfectly to her taste, Mrs. Hutchinson removed to a Dutch plantation, where, not long after, she was basely murdered, with many of her family, by the Indians.*

While these transactions were occurring in America, the enemies of the colonists in England were busily engaged in promoting the destruction of the Massachusetts charter. That of Plymouth had been already surrendered. "The principal reasons assigned for this surrender were, that the people of Massachusetts had improperly extended the limits of their patent, so as to include lands granted to others, and that in civil and ecclesiastical affairs, they had made themselves independent of the council, as well as the crown. These evils, the council said, they were unable to remedy; and therefore deemed it necessary for his majesty to take the whole business into his own hands.† Soon after the surrender of the Plymouth charter, a *quo warranto* was issued against that of Massachusetts. The writ was served only on those in England, who either then were, or had been members of the company; but no notice was given to the company in New England. Some on whom the writ was served in England appeared, and disclaimed any right under the charter, others

have it erased from the records, as it is calculated to humble the pride of the infallible bigot, and serves as a good lesson for modern times, in more than in one instance. That woman must have been of virtuous life, that such a band of inquisitors could not find cause to condemn, except as to opinions. The whole story is a lesson, for it shows, that men, in a body, may do that which but few of them, separately, would dare to support. In that body were to be found the learned Phillips, the apostle Elliot, the honest Welde, with many other excellent men, who voted against the great female metaphysician of her time. Three only of the synod had the courage to dissent from the judgment. It seems, after all, that the sentence was more a matter of policy than of law, as may be drawn from the scantiness of the record on this head; for Winthrop was an acute lawyer, and if he had found any thing which he dared to put on record, in justification of this body, it would have been found there. That they should have erred, is not surprising; but that historians of a later age should have continued to justify them, is astonishing, and shows how little independence or original thinking there is among those who venture to call themselves historians.—*American Editor*.

* Various other persons, besides the immediate adherents of Mrs. Hutchinson, were dissatisfied with the proceedings of the synod and council of Massachusetts, migrated from the colony, and assisted in the formation of the settlements of Rhode Island, New Hampshire, and Maine; the circumstances of which will be recorded at length in the history of those states.

† Pitkin, vol. i. p. 39.

were defaulted, and the rights and franchises in the charter were seized and taken into the hands of the king, so far as those in England were concerned, and the other patentees were outlawed. No judgment, in form, was ever rendered against the corporation itself. Not satisfied with this proceeding, a special order was sent by the lords of trade and plantations, to Massachusetts, in April, 1638, requiring the governor, or such other person as had the custody of the charter, to transmit the same by the return of the ship which carried the order, with a threat, in case of neglect or refusal, that the king would resume the whole plantation into his own hands. The general court of Massachusetts, before whom this order was laid, resolved not to send the charter, but presented an humble petition to the commissioners. The colonists found on this, as on many other occasions, the advantage of the delay arising from their distance from the mother country; for, while these negotiations were pending, the disputes between Charles and his parliament acquired an importance that left little opportunity for the monarch to trouble himself with colonial affairs; and thus the charter of Massachusetts, and the liberties of New England, were preserved.*

Scarcely had the venerable founders of New England felled the trees of the forest, when they began to provide means to insure the stability of their colony. Learning and religion they wisely judged to be the firmest pillars of the commonwealth. The legislature of Massachusetts, having previously founded a public school or college, had, the last year, directed its establishment at Newtown, and appointed a committee to carry the order into effect. The liberality of an individual now essentially contributed to the completion of this wise and benevolent design.

* A copy of Charles's "commission for regulating the plantations;" of the "letter of the lords of the council for the patent of the plantation to be sent to them;" and of the "humble petition of the Massachusetts in the general court there assembled;" are all to be found in Hubbard's History, chap. xxxvi.

† Hubbard, chap. xxxii. p. 237. There were several benefactors to this college, besides Mr. Harvard; and "the other colonies sent some small help to the undertaking; and several gentlemen did more than whole colonies to support and forward it."—Mather's *Magnalia*, b. iv. p. 126. "There were probably, at that time, forty or fifty sons of the university of Cambridge in Old England, one for every two hundred or two hundred and fifty inhabitants, dwelling in the few villages of Massachusetts and Connecticut. The sons of Oxford were not few."—Savage: note upon Winthrop.

‡ "A printing house was begun at Cambridge by one Daye, at the charge of Mr. Glover, who died on sea hitherward. The first thing which was printed was the freemen's oath; the next was an Almanack, made for New England by Mr. William Peirce, mariner; the next was the Psalms, newly turned into metre." Winthrop, vol. i. p. 289. *Ib.* Hist. Camb. Mass. Hist. Soc. vol. vii. p. 19. Thomas's History of Printing in America, vol. i. p. 227. "Mr. Glover was a worthy and wealthy nonconformist minister.

John Harvard, a worthy minister, dying this year at Charleston, left a legacy of nearly 800*l.* to the public school at Newtown. In honour of their benefactor, the collegiate school was, by an order of court, named Harvard College; and Newtown, in compliment to the institution, and in memory of the place where many of the first settlers of New England received their education, was called Cambridge.† At this time also, Rowley, in Massachusetts, was founded by about sixty industrious families from Yorkshire, under the guidance of Ezekiel Rogers, an eminent minister. These settlers, many of whom had been clothiers in England, built a fulling mill; employed their children in spinning cotton wool; and were the first who attempted to make cloth in North America. A still more important branch of business was introduced this year, that of printing, the first press ever used in North America being established at Cambridge.‡

The colony of Massachusetts, as well as its rural neighbours, continued rapidly to increase. In the year 1639, a settlement was begun on the north side of Merrimack, called Salisbury; and another at Winicowet, called Hampton.

New England was henceforth to be left almost exclusively to her own resources. The state of affairs in England was now reversed; and the persecuting power of Charles was wrested from his grasp. The principal motive to emigration, therefore, no longer existed; indeed, several of the most considerable colonists, and many of the ministers in New England, returned to their native country;§ but the great majority of the settlers had experienced so much happiness in the societies which had been formed in the colony, that they felt themselves united to New England by stronger feelings than those of attach-

He contributed liberally toward a sum sufficient to purchase printing materials; and for this purpose solicited the aid of others in England and Holland. He gave to the college a fount of printing letters, and some gentlemen of Amsterdam gave, towards furnishing of a printing press with letters, forty-nine pounds, and something more."—Records of Harvard College; *American Annals*, vol. i. p. 255.

§ "Now that fountain began to be dried, and the stream turned another way, and many that intended to have followed their neighbours and friends into a land not sown, hoping by the turn of the times, and the great changes that were then afoot, to enjoy that at their own doors and homes, which the other had travelled so far to seek abroad, there happened a total cessation of any passengers coming over; yea, rather, as at the turn of a tide, many came back with the help of the same stream, or sea, that carried them thither; insomuch, that now the country of New England was to seek of a way to provide themselves of clothing, which they could not attain by selling of their cattle as before; which now were fallen from that huge price forementioned, 25*l.*, first to 14*l.* and 10*l.* an head, and presently after (at least, within a year) to 5*l.* a piece; nor was there at that rate ready vent for them neither."—Hubbard, p. 238.

ment to their native soil, and resolved to remain in the region which their virtue had converted from a wilderness into a garden.

There does not appear to be any authentic statement of the population of the New England colonies at this period. It would seem to have been under twenty thousand.* In the twenty years which had elapsed since the settlement of Plymouth, nearly three hundred vessels had transported more than twenty-one thousand persons across the Atlantic, at the immense cost of nearly 200,000*l.* an amazing sum in that age, which nothing but the determined and persevering zeal which animated the puritans could have induced them to expend, in the laborious work of converting a vast wilderness into the abode of civilized man.†

The following year, the general court of Massachusetts established one hundred laws, called The Body of Liberties.‡ Having already been submitted to the court, and sent into every town for consideration, they were now amended, and were to remain in force for the term of three years; after that period, to be again revised, and established in perpetuity. As it is in the laws of an infant people that we trace their principles, and discover their policy, a sketch of the most remarkable laws in the first New England code is introduced. It was enacted, that there never should be any bond-slavery, villanage, or captivity, among the inhabitants of the province, except in lawful captives taken in just wars, or such as should willingly sell themselves, or be sold to them; and such should have the liberties and Christian usage which the law of God, established in Israel concerning such persons, morally requires: That if any strangers, or people of other nations, professing the Christian religion, should fly to them from tyranny or oppression of their persecutors, or from famine, wars, or the like necessary and compulsory cause, they should receive entertainment and succour: That there should be no monopolies, but of such new inventions as were profitable to the country, and those for a short time only: That all deeds of conveyance,

whether absolute or conditional, should be recorded, that neither creditors might be defrauded, nor courts troubled with vexatious suits and endless contentions about sales and mortgages: That no injunction should be laid on any church, church officer, or member, in point of doctrine, worship, or discipline, whether for substance or circumstance, besides the institution of the Lord; and that, in the defect of a law, in any case, the decision should be by the word of God.

The dispersed situation of the New England colonists rendered union among them necessary, not only for their mutual defence against the savages, but also for protection and security against the claims and encroachments of the Dutch. This union, or confederation, was formed in 1643, by the name of The United Colonies of New England. It had been proposed by the colonies of Connecticut and New Haven, as early as 1638, but was not finally completed until five years after. This confederacy, which continued about forty years, constituted an interesting portion of the political history of New England. It consisted of the colonies of Massachusetts, New Plymouth, Connecticut, and New Haven. By the articles of confederation, as they were called, these colonies entered into a firm and perpetual league of friendship and amity, for offence and defence, mutual advice and succour, upon all just occasions, both for preserving and propagating the truth and liberties of the gospel, and for their own mutual safety and welfare. Each colony was to retain its own peculiar jurisdiction and government; and no other plantation or colony was to be received as a confederate, nor any two of the confederates to be united into one jurisdiction, without the consent of the rest. The affairs of the united colonies were to be managed by a legislature, to consist of two persons, styled commissioners, chosen from each colony. The commissioners were to meet annually in the colonies, in succession, and when met, to choose a president, and the determination of any six to be binding on all.§ This confederacy, which was declared to be perpe-

* Grahame says, "about twenty-one thousand persons," (vol. i. p. 302,) but this is evidently the gross number of those who emigrated during the twenty years; and the probability is, that the actual population at this period was considerably short of that number.

† "They, who then professed to be able to give the best account, say, that in two hundred and ninety-eight ships, which were the whole number from the beginning of the colony, there arrived twenty-one thousand two hundred passengers, men, women, and children, perhaps about four thousand families. A modest computation then made of the whole charge of transportation of the persons, their goods, the stock of cattle, provisions until they could support themselves, necessaries for building, artillery, arms, and ammunition, amounts to 192,000*l.* sterling. A dear purchase, if

they had paid nothing before to the council of Plymouth, and nothing afterwards to the sachems of the country. Well might they complain, when the titles to their lands were called in question by Sir Edmund Andros; their labour in clearing and improving them was of more value than the lands after they were improved, and this other expense might be out of the question."—Hutchinson, vol. i. p. 93.

‡ "They had been composed by Mr. Nathaniel Ward, minister of Ipswich, who had formerly been a student and practitioner at law."—American Annals, vol. i. p. 260.

§ "These commissioners had power to hear, examine, weigh, and determine all affairs of war, or peace, leagues, aids, charges, and number of men for war, division of spoils, and whatsoever is gotten by conquest, receiving of more confederates for plantations.

tual, continued without any essential alteration, until the New England colonies were deprived of their charter by the arbitrary proceedings of James II. This union evidently served as the basis of the great confederacy afterwards formed between the thirteen states of America. An examination of the two systems will prove a similarity not only in names, but in general principles.*

The contest between the king and the parliament at length resulted in open war; and the New England colonies, actuated by the same feeling as the puritans in England, embraced with ardour the cause of the latter. The parliament, however, did not lose sight of its right to govern the colonies; and in 1643, they passed an ordinance, no less remarkable for the extent of power exerted, than for the extraordinary regulations it established. By it, the Earl of Warwick was appointed governor-in-chief and lord high-admiral of the colonies, with a council of five peers and twelve commoners to assist him. It empowered him, in conjunction with his associates, to examine the state of their affairs; to send for papers and persons; to remove governors and officers, appointing others in their place; and to assign over to these such part of the powers that were then granted as he should think proper. Such was the authority which the parliament exerted over its transatlantic dominions. The colonists implicitly admitted its rectitude, by applying to the commissioners for protection and patents. The right of parliament, indeed, was not doubted in those days; it was the irregular exertion of prerogative, and not the authority

into combination with any of the confederates, and all things of a like nature, which are the proper concomitants and consequences of such a confederation for amity, offence and defence, not intermeddling with the government of any of the jurisdictions, which, by the third article, is preserved entirely to themselves. The expenses of all just wars to be borne by each colony, in proportion to its number of male inhabitants, of whatever quality or condition, between the ages of sixteen and sixty. In case any colony should be suddenly invaded, on motion and request of three magistrates of such colony, the other confederates were immediately to send aid to the colony invaded, in men, Massachusetts one hundred, and the other colonies forty-five each, or for a less number, in the same proportion. The commissioners, however, were very properly directed, afterwards, to take into consideration the cause of such war or invasion, and if it should appear that the fault was in the colony invaded, such colony was not only to make satisfaction to the invaders, but to bear all the expenses of the war. The commissioners were also authorized to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations were interested, for preserving peace among themselves, and preventing, as much as may be, all occasions of war, or difference with others, as about the free and speedy passage of justice, in every jurisdiction, to all the confederates equally as to their own, receiving those that remove from one plantation to another, without due certificates. It was also very wisely provided in the articles, that runaway servants, and fugitives from justice, should be returned to the colonies where they belonged, or from which they had fled. If any of the confederates should violate any of

of the legislature, that was dreaded as unconstitutional, or feared as oppressive.

The increasing prosperity of the colony naturally tended to heighten the value of its political franchises; and the increasing opulence of the dissentients, already alluded to, seemed to aggravate the hardship of their disfranchisement. Some of them having assumed privileges from which they were excluded by law, they were punished by Mr. Winthrop, the deputy governor. They complained to the general court of this treatment by a petition, which contained a forcible remonstrance against the injustice of depriving them of their rights as freemen, and of their privileges as Christians, because they could not join as members with the congregational churches, or because, when they solicited admission into them, they were arbitrarily rejected by the ministers. "They prayed," says Hutchinson,* "that civil liberty and freedom might be forthwith granted to all truly English, and that all members of the church of England or Scotland, not scandalous, might be admitted to the privileges of the churches of New England; or, if these civil and religious liberties were refused, that they might be freed from the heavy taxes imposed upon them, and from the impresses made of them, or their children, or servants, into the war; and if they failed of redress there, they should be under a necessity of making application to England to the honourable houses of parliament, who they hoped would take their sad condition into consideration." The party in favour of the dissenters had sufficient interest to obtain a

the articles, or in any way injure any one of the other colonies such breach of agreement, or injury, was to be considered and ordered by the commissioners of the other colonies."—Pitkin's Political History, vol. i. p. 51.

* "The principles upon which this famous association was formed were altogether those of independency, and it cannot easily be supported upon any other. The colonies of Connecticut and New Haven had at that time enjoyed no charter, and derived their title to their soil from mere occupancy, and their powers of government from voluntary agreement. New Plymouth had acquired a right to their lands from a grant of a company in England, which conferred, however, no jurisdiction. And no other authority, with regard to the making of peace, or war, or leagues, did the charter of Massachusetts convey, than that of defending itself, by force of arms, against all invaders. But, if no patent legalized the confederacy, neither was it confirmed by the approbation of the governing powers in England. Their consent was never applied for, and was never given. The various colonies, of which that celebrated league was composed, being perfectly independent of one another, and having no other connexion than as subjects of the same crown, and as territories of the same state, might, with equal propriety and consistency, have entered into a similar compact with alien colonies, or a foreign nation. They did make treaties with the neighbouring plantations of the French and Dutch; and in this light was their conduct seen in England, and at a subsequent period did not fail to attract the attention of Charles II."—Chalmer's Political Annals, b. i. chap. viii. p. 178.

† Hutchinson's History of Massachusetts, vol. i. p. 146.

vote to require Mr. Winthrop to answer in public to the complaints against him. On the day appointed for his trial he descended from the tribunal, and placing himself at the bar, in presence of a numerous assemblage of the inhabitants, he proceeded to vindicate his conduct to his judges and fellow-citizens. Having proved that his proceedings were warranted by law, and that it had no other end than to maintain the existing institutions, he was not only honourably acquitted by the sentence of the court, and the voice of the public, but recommended so powerfully to the esteem of his fellow-citizens by this and all the other indications of his character, that he was chosen governor of the province every year after, as long as he lived.* His accusers were visited with public displeasure; their petition was dismissed, and a charge was drawn up against them; but it was intimated, that if they would acknowledge their offence they should be forgiven; they, however, refused, and were fined in various sums, two or three of the magistrates dissenting. The petitioners, animated by opposition, rather than overborne by oppression, resolved to lay their condition before the supreme power; and, with this design, two deputies were sent to England. The famous Cotton had asserted, in one of his sermons, "that, if any shall carry writings or complaints against the people of God in that country to England, it would be as Jonas in the ship;" and a storm unfortunately arising during the voyage, the mariners, often prone to superstition, recollected this prediction, and insisted that all obnoxious papers should be thrown overboard; thus the deputies were constrained to consign their credentials to the waves. The parliament, probably influenced by the intrigues of the agents, or too much engaged in their own important affairs, took no cognizance of this extraordinary transaction; and the petitioners never received any redress.†

* We cannot refrain from presenting our readers with an extract of his admirable and powerful address:—"The questions," said Mr. Winthrop, "that have troubled the country, have been about the authority of the magistracy and the liberty of the people. It is you who have called us unto this office; but being thus called, we have our authority from God. I entreat you to consider, that when you choose magistrates, you take them from among yourselves, men subject unto like passions with yourselves. If you see our infirmities, reflect on your own, and you will not be so severe censurers of ours. The covenant between us and you is the oath you have exacted of us, which is to this purpose, 'That we shall govern you and judge your causes according to God's laws and the particular statutes of the land, according to our best skill.' As for our skill, you must run the hazard of it; and if there be an error only therein, and not in the will, it becomes you to bear it. Nor would I have you to mistake in the point of your own liberty. There is a liberty of corrupt nature, which is affected both by men and beasts, to do what they list. This liberty is inconsistent with authority; impatient of all restraint, 'tis the grand enemy of truth and peace, and all the ordinances of God are bent against it. But

How refreshing is it to turn from the mutual recriminations of religious controversy, and the hateful sight of ecclesiastical persecution, to the contemplation of that expansive benevolence which is the true genius of Christianity! History is essentially biographical to a considerable extent; but there are occasions when her pencil is called to trace, with peculiar vividness, the moral dignity and beauty of her heroes; and what name shall arouse her boldest efforts, if that of Elliot does not call them forth? When the wreaths of literary, scientific, and even the most glittering, though least enviable of all, of military fame, whose leaves have never been tinged with the unction of eternity, shall fade amidst the brilliancy of holier and more resplendent honours, whose crown will shine more brightly than that of the Indians' father and friend? His labours form the redeeming trait of an age, that might justly be termed one of the most vigorous religious selfishness. Why were not the gigantic energies more than wasted in the pugnacious defence of men-made forms of Christianity, devoted to spread its essence among the heathen, by whom they were surrounded, or to whom they could have obtained access? Hardships for the sake of religion the puritan colonists endured, indeed, abundantly; but that it was for their own enjoyment rather than the benefit of others, is evident, from their treating those who differed from their opinions as though they robbed them of their property. But Elliot was of a nobler mould; he banished not others for his fancied good, but himself, for the welfare of the ignorant and oppressed.

Elliot was one of the ministers of Roxbury. Strongly penetrated with a sense of the duty of redeeming to the dominion of religion and civilization the wastes of human character that lay in ignorance and idolatry around him, he had for some time been labouring to overcome the primary obstacle to its per-

there is a civil, a moral, a federal liberty, which is the proper end and object of authority: it is a liberty for that only which is just and good. For this liberty you are to stand with the hazard of your very lives; and whatsoever crosses it is not authority, but a distemper thereof. This liberty is maintained in a way of subjection to authority; and the authority set over you will, in all administrations for your good, be quietly submitted unto by all but such as have a disposition to shake off the yoke, and lose their true liberty by their murmuring at the honour and power of authority." We cordially agree with Mr. Grahame, when he says, "The circumstances in which this address was delivered, remind us of scenes in Greek and Roman history; while the wisdom, worth, and dignity that it breathes, resemble the magnanimous vindication of the judge of Israel;" and we must add, that the whole history of the rise and progress of these states is more calculated to instruct and elevate the mind, than the scenes of ancient history; and that it is a great discredit to our schools, colleges, and universities, that the study of modern history in general, and this portion of it particularly, does not form an essential part of a *liberal* education.

† Chalmer's Annals, b. i. chap. viii. p. 180.

formance; at length he attained such acquaintance with the Indian language as enabled him to construct a system of grammar.* His kindness of manner soon gained him a favourable hearing from many of the natives; and both parties being sensible of the expediency of altering the civil and domestic habits that counteracted the impressions which he attempted to produce, he obtained from the general court an allotment of land in the neighbourhood of the settlement of Concord, in Massachusetts. A considerable body of Indians resorted to the land allotted them by the colonial government, and exchanged their wild and barbarous habits for the modes of civilized living and industry. Mr. Elliot was continually among them, instructing, animating, and directing them.

In endeavouring to extend their missionary influence among the surrounding tribes, Mr. Elliot and his associates encountered a variety of issues corresponding to the varieties of human character. Many, indeed, expressed the utmost abhorrence and contempt of Christianity; but, in spite of every discouragement, the missionaries persisted, and at length their labours were rewarded with astonishing success.†

That our readers may have authentic testimony on which to form a correct idea of its extent—the more as it affords a striking contradiction to the still lurking half-prevailing antinomianism, that the Eternal, whose very nature is benevolence, withholds his sanction and blessing from the labours of his faithful servants out of pure sovereignty—we insert the following document:—

* Dr. Cotton Mather has, almost humorously, described the difficulty of acquiring the Indian language, and giving it a graphic form: "Behold new difficulties to be surmounted by our indefatigable Elliot! He hires a native to teach him this exotic language, and, with a laborious care and skill, reduces it into a grammar, which afterwards he published. There is a letter or two of our alphabet which the Indians never had in theirs; but if their alphabet be short, I am sure the words composed of it are long enough to tire the patience of any scholar in the world; they are *sesquipedalia verba*, of which their lingo is composed; one would think they had been growing ever since Babel, unto the dimensions to which they are now extended. For instance, if my reader will count how many letters there are in this one word, *Nummatchekodtantamooongannnonash*, when he has done, for his reward I'll tell him, it signifies no more in English, than 'our lusts;' and if I were to translate 'our loves,' it must be nothing shorter than *Noovoman-tammooonkanunnonash*. Or, to give my reader a longer word than either of these, *Kummogkodonatlooltummoetiteaongannnonash*, is, in English, 'our question;' but I pray, Sir, count the letters! Nor do we find in all this language the least affinity to, or derivation from, any European speech that we are acquainted with."—We think the folly of good men as useful to posterity as their virtues; and we claim sacred story as our authority; and therefore we continue the extract:—"I know not what thoughts it will produce in my reader when I inform him, that once finding that the dæmons in a possessed young woman understood the Latin and Greek and Hebrew languages, my curiosity led me to make trial of this Indian

"A LETTER CONCERNING THE SUCCESS OF THE GOSPEL AMONGST THE INDIANS IN NEW ENGLAND.

"Written by MR. INCREASE MATHER, Minister of the Word of God, at Boston, and Rector of the College at Cambridge, in New England, to DR. JOHN LEUSDEN, Hebrew Professor in the University of Utrecht.

"TRANSLATED OUT OF LATIN INTO ENGLISH.

"WORTHY AND MUCH HONOURED SIR,

"YOUR letters were very grateful to me, by which I understand that you and others in your famous university of Utrecht desire to be informed concerning the converted Indians in America: take, therefore, a true account of them in a few words:—

"It is above forty years since that truly godly man, Mr. John Elliot, pastor of the church at Rocksborough, (about a mile from Boston, in New England,) being warmed with a holy zeal of converting the Americans, set himself to learn the Indian tongue, that he might more easily and successfully open to them the mysteries of the gospel, upon account of which he has been (and not undeservedly) called the Apostle of the American Indians. This reverend person, not without very great labour, translated the whole bible into the Indian tongue; he translated also several English treatises of practical divinity and catechisms into their language. About twenty-six years ago he gathered a church of converted Indians in a town called Natick; these Indians con-

language, and the dæmons did seem as if they did not understand it!"—Mather's *Magnalia*, b. iii. p. 193.

† "It is a remarkable feature in Elliot's long and arduous career, that the energy by which he was actuated never sustained the slightest abatement, but, on the contrary, evinced a steady and vigorous increase. As his bodily strength decayed, the energy of his being seemed to retreat into his soul, and at length all his faculties (he said) seemed absorbed in holy love. Being asked, shortly before his departure, how he did, he replied, 'I have lost every thing, my understanding leaves me, my memory fails me, my utterance fails me; but I thank God my charity holds out still, I find that rather grows than fails.' He died in the year 1690. While Mr. Elliot and an increasing body of associates were thus employed in the province of Massachusetts, Thomas Mayhew, a man who combined, in a wonderful degree, an affectionate mildness that nothing could disturb with an ardour and activity that nothing could overcome, together with a few coadjutors, not less diligently and successfully, prosecuted the same design in Martha's Vineyard, Nantucket, and Elizabeth Isles, and within the territory comprehended in the Plymouth patent."—Grahame, vol. i. p. 326, 329.

"On the publication of the accounts of the hopeful progress of the Indians in New England in the knowledge of the gospel, the attention of the English nation was excited to the subject. By the solicitation of Edward Winslow, then in England as agent for the United Colonies, an act of parliament was passed, by which the Society for propagating the Gospel in New England was incorporated."—Holmes's *American Annals*, vol. i. p. 290.

fessed their sins with tears, and professed their faith in Christ, and afterwards they and their children were baptized, and they were solemnly joined together in a church covenant ; the said Mr. Elliot was the first that administered the Lord's supper to them. The pastor of that church now is an Indian, his name is Daniel. Besides this church at Natick, among our inhabitants in the Massachusetts colony, there are four Indian assemblies, where the name of the true God and Jesus Christ is solemnly called upon ; these assemblies have some American preachers : Mr. Elliot formerly used to preach to them once every fortnight, but now he is weakened with labours and old age, being in the eighty-fourth year of his age, and preacheth not to the Indians oftener than once in two months. There is another church, consisting only of converted Indians, about fifty miles from hence, in an Indian town, called Mashippaug. The first pastor of that church was an Englishman, who, being skilful in the American language, preached the gospel to them in their own tongue. This English pastor is dead, and instead of him that church has an Indian preacher. There are, besides that, five assemblies of Indians professing the name of Christ, not far distant from Mashippaug, which have Indian preachers. John Cotton, pastor of the church at Plymouth, (son of my venerable father-in-law, John Cotton, formerly the famous teacher of the church at Boston,) both made very great progress in learning the Indian tongue, and is very skilful in it ; he preaches in their own language to the last five mentioned congregations every week. Moreover, of the inhabitants of Saconet, in Plymouth colony, there is a great congregation of those who, for distinction sake, are called praying Indians, because they pray to God in Christ. Not far from a promontory called Cape Cod, there are six assemblies of heathens who are to be reckoned as Catechumens, amongst whom there are six Indian preachers. Samuel Treat, pastor of a church at Eastham, preacheth to these congregations in their own language. There are likewise among the islanders of Nantucket a church, with a pastor who was lately a heathen, and several meetings of Catechumens, who are instructed by the converted Indians. There is also another island about seven leagues long, called Martha's Vineyard, where are two American churches planted, which are more famous than the rest, over one of which there presides an ancient Indian as pastor, called Hiacooms. John Hiacooms, son of the Indian pastor, also preacheth the gospel to his countrymen. In another church in that place, John Tokinosh, a converted Indian, teaches. In these churches ruling

elders of the Indians are joined to the pastors ; the pastors are chosen by the people, and when they had fasted and prayed, Mr. Elliot and Mr. Cotton laid their hands on them, so that they were solemnly ordained. All the congregations of the converted Indians (both the Catechumens and those in church order) every Lord's-day meet together ; the pastor or preacher always begins with prayer, and without a form, because from the heart ; when the ruler of the assembly has ended prayer, the whole congregation of Indians praise God with singing ; some of them are excellent singers ; after the psalm, he that preaches reads a place of scripture (one or more verses as he will) and expounds it, gathers doctrines from it, proves them by scriptures and reasons, and infers uses from them after the manner of the English, of whom they have been taught ; then another prayer to God in the name of Christ concludes the whole service. Thus do they meet together twice every Lord's-day. They observe no holy-days but the Lord's-day, except upon some extraordinary occasion, and then they solemnly set apart whole days, either in giving thanks, or fasting and praying, with great fervour of mind.

"Before the English came into these coasts, these barbarous nations were altogether ignorant of the true God ; hence it is that in their prayers and sermons they use English words and terms ; he that calls upon the most holy name of God, says, Jehovah, or God, or Lord, and also they have learned and borrowed many other theological phrases from us. In short, there are six churches of baptized Indians in New England, and eighteen assemblies of Catechumens professing the name of Christ. Of the Indians there are four-and-twenty who are preachers of the Word of God ; and besides these there are four English ministers, who preach the gospel in the Indian tongue. I am now myself weary with writing, and I fear lest, should I add more, I should also be tedious to you ; yet one thing I must add, which I had almost forgot, that there are many of the Indians' children who have learned by heart the catechism, either of that famous divine, William Perkins, or that put forth by the assembly of divines at Westminster, and in their own mother tongue can answer to all the questions in it. But I must end ; I salute the famous professors in your university, to whom I desire you to communicate this letter, as written to them also. Farewell, worthy Sir ; the Lord preserve your health for the benefit of your country, his church, and of learning. Yours ever,

"INCREASE MATHER.

"BOSTON, IN NEW ENGLAND, *July 12, 1687.*"

To return to the secular affairs of the colony. In the year 1651, the long parliament having fully established its authority in England, determined to have its power expressly acknowledged through all the dependencies of the British empire. An order was therefore transmitted to Massachusetts to send the charter of the colony to London, and to take out a new patent. Alarmed at this requisition, and dreading the power of parliament, the general court resorted to its usual expedient of petitioning, which was, of course, productive of the desired delay; and the colony being in high favour with Cromwell, it is probable his influence was exercised in its behalf, as the parliament do not appear to have followed up their requisition with any further proceedings.

In the following year, the inhabitants of the province of Maine were, by their own request, taken under the protection of Massachusetts. Commissioners, appointed by the general court, repaired to Kittery and Agamenticus, summoned the inhabitants to appear before them, and received their submission. Agamenticus was now named York; the province made a county by the same name; and the towns, from this time, sent deputies to the general court at Boston.* New Hampshire had been added to Massachusetts in the year 1641.

The evil principle of the interference of the civil power again displayed itself. Mr. Grahame has recorded these transactions so impartially, and reasoned upon them so justly, that we shall at once give our readers an interesting portion of history, and an excellent specimen of that valuable work, by quoting the passage. "Of all the instances of persecution that occur in the history of New England," says that author, "the most censurable in its principle, though happily also the least vehement in the severities which it produced, was the treatment inflicted on the anabaptists by the government of Massachusetts. The first appearance of these sectaries in this province was in the year 1651, when, to the great astonishment and concern of the community, seven or eight persons, of whom the leader was one Obadiah Holmes, all at once professed the baptist tenets, and separated from the congregation to which they had belonged, declaring that they could no longer take counsel, or partake divine ordinances, with unbaptized men, as they pronounced all the other inhabitants of the province to be. The erroneoust doctrine which

thus unexpectedly sprang up, was at this time regarded with peculiar dread and jealousy, on account of the horrible enormities of sentiment and practice with which some of the professors of it in Germany had associated its repute; and no sooner did Holmes and his friends set up a baptist conventicle for themselves, than complaints of their proceedings, as an intolerable nuisance, came pouring into the general court from all quarters of the colony. The court at first proceeded no farther than to adjudge Holmes and his friends to desist from their unchristian separation; and they were permitted to retire, having first, however, publicly declared that they would follow out the leadings of their consciences, and obey God rather than man. Some time after, they were apprehended on a Sunday, while attending the preaching of one Clark, a baptist, from Rhode Island, who had come to propogate his tenets in Massachusetts. The constables who took them into custody carried them to church, as a more proper place of christian worship, where Clark put on his hat the moment that the minister began to pray. Clark, Holmes, and another, were sentenced to pay small fines, or be flogged; and thirty lashes were actually inflicted on Holmes, who resolutely persisted in choosing a punishment that would enable him to show with what constancy he could suffer for what he believed to be the truth. A law was at the same time passed, subjecting to banishment from the colony every person who should openly condemn or oppose the baptism of infants, who should attempt to seduce others from the use of approbation thereof, or purposely depart from the congregation when that rite was administered, "or deny the ordinance of the magistracy, or their lawful right or authority to make war."† The eagerness with which every collateral charge against the baptists was credited in the colony, and the vehement impatience with which their claim of toleration was rejected, forcibly indicate the illiberality and delusion by which their persecutors were governed; and may suggest to the christian philosopher a train of reflections, no less instructive than interesting, on the self-deceit by which men so commonly infer the honesty of their convictions, and the rectitude of their proceedings, from that resentful perturbation which far more truly indicates a secret consciousness of injustice and inconsistency. There is not a more common nor more pernicious error in the world, than

* Hutchinson, vol. i. p. 177. Chalmers, b. i. p. 480, 499, 501.

† We do not wish to be understood as according with Mr. Grahame, in the application of this epithet, nor in that of the term *anabaptist*.

‡ "The baptists who were exiled from Massachusetts were allowed to settle in the colony of Plymouth, (Hutchinson, vol. ii. p.

478,) whence it may be strongly inferred, that they did not in reality profess (as they were supposed by the people of Massachusetts to do) principles adverse to the safety of society. The charge probably originated in the extravagance of a few of their own number, and the impatience and injustice of their adversaries."—Grahame, vol. i. p. 345, 346.

that one virtue may be practised at the expense of another. Where sincerity without charity is professed, there is always reason to suspect the professor of a dishonest disregard of the secret surmises of his own spirit. The severities that were employed proved in the end totally ineffectual to restrain the growth of the baptist tenets; though, for the present, the professors of these doctrines appear to have either desisted from holding separate assemblies, or to have retired from Massachusetts.*

These proceedings against the baptists were mildness itself when compared with subsequent coercive measures adopted towards the quakers. There appears, indeed, to have been in the latter case a far greater degree of exciting, though by no means amounting to a justificatory cause. We are far from being inclined to give their persecutors full credit for their representation of the conduct of the quakers;† but after making every abatement for the prejudice of such narrators as Mather and others, there still remains an almost incredible amount of folly on the part of these enthusiasts, as of cruelty in the ruling party. It was in the month of July, 1566, that two females, Mary Fisher and Ann Austin, arrived in New England from Barbadoes; and not long after, nine more individuals, of the same tenets, came from England. They were very speedily brought before the court of assistants, where they gave what were deemed very contemptuous replies to the interrogatories which they were required to answer; and the court did not hesitate to commit them to prison. The court ultimately passed sentence of banishment against them all; and required the captain who brought them from England to find sureties to a heavy amount, that he would carry them out of the colony, detaining them in prison till the vessel was ready to sail.

Up to this period there had been no special law for the punishment of quakers; but they had been proceeded against under the general law respecting heretics. At the next sessions of the general court, an

act passed, laying a penalty of one hundred pounds upon the master of any vessel who should bring a known quaker into any part of the colony, and requiring him to give security to carry him back again; enacting also, that the quaker should be immediately sent to the house of correction, receive twenty stripes, and afterwards kept to hard labour until transportation. They also laid a penalty of five pounds for importing, and the like for dispersing quakers' books, and severe penalties for defending, their heretical opinions. The next year an additional law was made, by which all persons were subjected to the penalty of forty shillings for every hour's entertainment given to any known quaker; and any quaker, after the first conviction, if a man, was to lose one ear, and a second time the other; a woman, each time to be severely whipped; and the third time, man or woman, to have their tongues bored through with a red-hot iron; and every quaker who should become such in the colony to be subjected to the like punishments. In May, 1658, a penalty of ten shillings was laid on every person present at a quakers' meeting, and five pounds upon every one speaking at such meeting. Notwithstanding all this severity, the number of quakers, as might well have been expected, increasing rather than diminishing, in October a further law was made for punishing with death all quakers who should return into the jurisdiction after banishment.‡

It would appear that the enactment of severe laws only heightened the enthusiasm of the advocates of quakerism, especially among its female adherents. Every species of abuse and reviling of magisterial authority was practised;§ the divine worship of the colonists was interrupted by their violent conduct; and even the public decency outraged by (an undoubted fact, though almost incredible) the appearance of females entirely destitute of clothing in the streets and in their religious assemblies.¶ It is even said that a quaker, of the name of Faubord, of Grindleton, was detected in the act of sacrificing his son,

* Grahame, vol. i. p. 343—346.

† It is the more difficult to realize the absurd errors and the insane vehemence which were manifested by the quakers of the seventeenth century, since those of the present day are surpassed by none in peaceable and decorous demeanour, in their attachment to civil order, devoted acts of benevolence, and deep interest in the distribution of the sacred volume.

‡ "Great opposition was made to this law, the magistrates were the most zealous, and in general for it; but it was rejected at first by the deputies, afterwards, upon reconsideration, concurred by twelve against eleven, with an amendment, that the trial should be by a special jury. Captain Edward Hutchinson, and Captain Thomas Clark, two of the court, desired leave to enter their dissent against this law."—New England Judged.

§ Mather has collected from the history of the quakers of that day

the following epithets, which were applied, he says, to Dr. Owen, and other worthy men: "Thou fiery fighter and green-headed trumpeter; thou hedgehog and grinning dog; thou bastard, that tumbled out of the mouth of the Babylonish bawd; thou mole; thou tinker; thou lizard; thou bell of no metal, but the tone of a kettle; thou wheelbarrow; thou whirlpool; thou whirligig; O thou firebrand; thou adder and scorpion; thou louse; thou cow-dung; thou moon-calf; thou ragged tatterdemalion; thou Judas; thou livest in philosophy and logic, which are of the devil."—Mather's *Magnalia*, b. vii. p. 26.

¶ "One of the sect apologizing for this behaviour said, 'If the Lord did stir up any of his daughters to be a sign of the nakedness of others, he believed it to be a great cross to a modes woman's spirit, but the Lord must be obeyed.'"—Hutchinson, p. 204.

as an imitation of the example of Abraham.* Notwithstanding the recently enacted law, rendering every quaker who returned after banishment liable to the punishment of death, there were several who braved the awful penalty. Robinson, Stephenson, and Dyer, were brought to trial, and for their rebellion, sedition, and presumptuous obtruding themselves after banishment upon pain of death, were sentenced to die; the two first were executed the 27th of October.† Dyer, upon the petition of William Dyer, her son, was reprieved, on condition that she departed the jurisdiction in forty-eight hours, and if she returned to suffer the sentence. She was carried to the gallows, and stood with a rope about her neck until the others were executed. She was so infatuated as afterwards to return, and was executed June 1, 1660.

The court evidently appears to have felt some compunction after these deeds of blood. Honourable repentance is but rarely deemed consistent with the dignity of a public body; it was resolved, therefore, to put forth a vindication; and as it is an official document, which places the fact of the execution of persons for their religious tenets, or their propagation of them, at least, by the New England puritans, beyond doubt to the most skeptical, we have given the document at length.‡ These executions, however, notwithstanding their vindication, excited con-

siderable clamour against the government; many persons were offended by the exhibition of severities, against which the very existence of the colony seemed designed to be a perpetual testimony; and many were touched with a compassion for the sufferings of the quakers, that effaced all recollection of the disgust that their principles had heretofore inspired. The people began to flock in crowds to the prisons, and load the unfortunate quakers with demonstrations of kindness and pity. At length the rising sentiments of humanity and justice attained such general and forcible prevalence, as to overpower all opposition. On the trial of Leddra, the last of the sufferers, another quaker named Wenlock Christison, who had been banished upon pain of death, came boldly into court with his hat on, and reproached the magistrates for shedding innocent blood. He was taken into custody, and soon after put upon his trial. When sentence of death was pronounced upon him, he desired his judges to consider what they had gained by their cruel proceedings against the quakers. "For the last man that was put to death," said he, "here are five come in his room; and if you have power to take my life from me, God can raise up the same principle of life in ten of his servants, and send them among you in my room, that you may have torment upon torment." The law now plainly appeared to be unsupported by

* Hutchinson, p. 204.

† "Mr. Winthrop, the governor of Connecticut, laboured to prevent their execution, and Colonel Temple went to the court and told them, 'that if, according to their declaration, they desired their lives absent, rather than their deaths present, he would carry them away, and provide for them at his own charge; and if any of them should return, he would fetch them away again.' This motion was well liked by all the magistrates, except two or three, and they proposed it to the deputies the next day, but those two or three magistrates, with the deputies, prevailed to have execution done."—Hutchinson, p. 200.

‡ "A Declaration of the General Court of Massachusetts, holden at Boston, October 18, 1659, and printed by their Order. EDWARD RAWSON, Secretary.

"Although the justice of our proceedings against William Robinson, Marmaduke Stevenson, and Mary Dyer, supported by the authority of this court, the laws of the country, and the law of God, may rather persuade us to expect encouragement and commendation from all prudent and pious men, than convince us of any necessity to apologize for the same; yet, forasmuch as men of weaker parts, out of pity and commiseration, (a commendable and christian virtue, yet easily abused, and susceptible of sinister and dangerous impressions,) for want of full information, may be less satisfied, and men of perverser principles may take occasion hereby to calumniate us and render us as bloody persecutors—to satisfy the one and stop the mouths of the other, we thought it requisite to declare, That, about three years since, divers persons, professing themselves quakers, (of whose pernicious opinions and practices we had received intelligence from good hands, both from Barbados and England,) arrived at Boston, whose persons were only secured to be sent away by the first opportunity, without censure or punishment, although their professed tenets, turbulent and contemptuous behaviour to authority, would have justified a severer animadversion, yet the prudence of this court was exercised only

in making provision to secure the peace and order here established against their attempts, whose design (we were well assured of by our own experience, as well as by the example of their predecessors in Munster) was to undermine and ruin the same. And, accordingly, a law was made and published, prohibiting all masters of ships to bring any quakers into this jurisdiction, and themselves from coming in, on penalty of the house of correction till they could be sent away. Notwithstanding which, by a back door, they found entrance, and the penalty inflicted upon themselves proving insufficient to restrain their impudent and insolent obtrusions, was increased by the loss of the ears of those that offended the second time; which also being too weak a defence against their impetuous fanatic fury, necessitated us to endeavour our security; and upon serious consideration, after the former experiment, by their incessant assaults, a law was made, that such persons should be banished on pain of death, according to the example of England in their provision against jesuits, which sentence being regularly pronounced at the last court of assistants against the parties above named, and they either returning or continuing presumptuously in this jurisdiction, after the time limited, were apprehended, and owning themselves to be the persons banished, were sentenced by the court to death, according to the law aforesaid, which hath been executed upon two of them. Mary Dyer, upon the petition of her son, and the mercy and clemency of this court, had liberty to depart within two days, which she hath accepted of. The consideration of our gradual proceedings will vindicate us from the clamorous accusations of severity; our own just and necessary defence calling upon us (other means failing) to offer the point which these persons have violently and wilfully rushed upon, and thereby become *felones de se*, which might have been prevented, and the sovereign law, *salus populi*, been preserved. Our former proceedings, as well as the sparing of Mary Dyer upon an inconsiderable intercession, will manifestly evince we desire their lives, absent, rather than their death, present."—Hubbard, p. 572, 573.

public consent, and the magistrates hastened to interpose between the sentence and its execution. Christison, and all the other quakers who were in custody, were forthwith released, and sent beyond the precincts of the colony; and in the first year after the restoration of Charles II., even this degree of persecution was suspended, by a letter from the king to Mr. Endicot, and the other governors of the New England settlements.

We have already strongly expressed our opinion on the persecuting principles manifested by this colony; we shall now only repeat our deep regret, that those who professed to abhor the principles of a Laud or a Bonner, should have so nearly copied their criminal example. It must be admitted, however, as Dr. Dwight observes, that there is no nation which can cast the first stone at New England. All sects have been persecutors in turn; if, indeed, we may not except, to their honour, the quakers and the baptists.*

In the year 1660, Generals Whalley and Goffe, two of the judges who tried king Charles I., arrived at Boston. Having left London before the king was proclaimed, they did not conceal their persons or characters. They immediately visited Governor Endicot, who gave them a courteous reception; but, choosing a situation less public than Boston, they went, on the day of their arrival, to Cambridge. By the act of indemnity, which was brought over in November, it appeared that Whalley and Goffe were excepted from those to whom pardon was offered; and they soon after went to New Haven, where they remained in concealment.

The following year, the king appointed the great officers of state a committee, touching the settlement of New England. Complaints being made to the king against Massachusetts, he commanded the governor and council to send persons to England to answer these various accusations. The governor, on receiving intelligence of the transactions that were taking place in England to the prejudice of the colony, judged it inexpedient longer to delay the solemnity of proclaiming Charles II. Calling the court together, a form of proclamation was agreed to, and Charles was acknowledged to be their sovereign lord and king, and proclaimed to be lawful king of Great Britain, France, and Ireland, and all other territories thereto belonging. On receiving intelligence of farther complaints against the colony of Massachusetts, the court appointed Simon Bradstreet, one of the magistrates, and John Norton, one of the

ministers of Boston, as agents for the colony, and sent an address by them to the king, which met with a gracious reception. The colony received a letter from Charles II., confirming and offering to renew its charter, tendering pardon to all his subjects, for all offences, excepting such as stood attainted, but requiring the following conditions:—That all laws made in the late troubles, derogatory to the royal authority and government, should be repealed; that the rules of the charter for administering the oath of allegiance be observed; that the administration of justice be in the king's name; and charging the government, that freedom and liberty of conscience, in the use of the Book of Common Prayer, be allowed; and that all persons of good and honest lives and conversations be admitted to the sacrament of the Lord's supper according to it, with an exception to any indulgence to quakers. The letter also enjoined, that there should be impartiality in the election of the governor and of magistrates, without any regard to any faction, with respect to their opinion or profession; that all freeholders of competent estates, not vicious in their lives, and orthodox in religion, though of different persuasions concerning church government, should be admitted to vote.

The colonists had, from their first settlement, entertained such an opinion of the nature and extent of their allegiance and obligations to the crown of England, as did not tend to insure a prompt compliance with all these conditions. Believing they were subject to the king, and dependent on his authority, only according to their charter, which some of the requisitions might be thought to infringe, their compliance was slow and occasional, as prudence would admit, or necessity impel them. The answer of the general court to his majesty's letter is characteristic of the colony. After a respectful introduction, they say, "For the repealing of all laws here established since the late changes, contrary and derogatory to his majesty's authority and government, we, having considered thereof, are not conscious to any of that tendency; concerning the oath of allegiance, we are ready to attend it as formerly, according to the charter; concerning liberty to use the Common Prayer Book, none as yet among us have appeared to desire it; touching administration of the sacraments, this matter hath been under consideration of a synod, orderly called, the result whereof our last general court commended to the several congregations, and we hope will have a tendency to general satisfaction."†

* It has been said that these sects were never in power; Rhode Island and Pennsylvania, however, contradict this assertion.

† Danforth Papers, in 2 Col. Mass. Hist. Soc. vol. viii, p. 48. Holmes's American Annals, vol. i. 322.

The New England colonies had certainly evinced a republican tendency; it was not to be expected, therefore, that they should be favoured in the commercial arrangements with the mother country; indeed, the interests of the latter were generally made an object of preference by the British legislature. In 1663 it was enacted, that no European commodity should be imported into the colonies, unless shipped directly from England, and in British vessels. By this regulation, in connexion with others that had been previously made, all the trade of the colonies was secured to Great Britain. They submitted reluctantly to these restrictions, and often made them the subject of complaint; but the English government pertinaciously declined to repeal them.

During the year 1664, the king despatched four commissioners to visit the several colonies of New England, to examine into their condition, to hear and decide complaints, and to make him a report of their proceedings and observations. This measure appeared dictated by no friendly feeling, and was considered by most of the colonists as a violation of their charters. The first session of the commissioners was at Plymouth, where but little business was transacted; the next in Rhode Island, where they heard complaints from the Indians, and all who were discontented, and made divers determinations respecting titles to land, which were but little regarded. In Massachusetts, the general court complied with such of their requisitions as they thought proper; but, professing sincere loyalty to his majesty, declined acknowledging their authority, and protested against the exercise of it within their limits. In consequence of this assertion of their rights, an angry correspondence took place between them, at the close of which the commissioners informed the general court, that they would lose no more of their labours upon them, but would represent their conduct to his majesty. From Boston, the commissioners proceeded to New Hampshire, where they exercised several acts of government, and offered to release the inhabitants from the jurisdiction of Massachusetts. This offer was almost unanimously rejected. In Maine, they excited more disturbance. They encouraged the people to declare themselves independent, and found many disposed to listen to their suggestions; but Massachusetts, by a prompt and vigorous exertion of power, constrained the disaffected to submit to her authority.

At the termination of the first half century from the arrival of the emigrants at Plymouth, the New England colonies were calculated to contain one hundred and twenty towns, and as many thousand

inhabitants, of whom sixteen thousand were capable of bearing arms. The habits of industry and economy, which had been formed in less happy times, continued to prevail, and gave a competency to those who had nothing, and wealth to those who had a competency. The wilderness receded before these hardy and persevering labourers, and its savage inhabitants found their game dispersed, and their favourite haunts invaded. This was the natural consequence of the sales of land, which they were at all times ready to make to the whites. But this result the Indians did not foresee; and when they felt it in all its force, the strongest passions were awakened which could animate the savage breast. A leader only was wanting to concentrate and direct their exertions, and Philip, of Pokanoket, sachem of a tribe residing within the boundaries of Plymouth and Rhode Island, assumed that station. His father was the friend, but he had ever been the enemy of the whites; and he exerted all the arts of intrigue, of which he was master, to induce the Indians, in all parts of New England, to unite their efforts for their destruction. He succeeded in forming a confederacy, able to send into action more than three thousand warriors.

The English were apprised of the plots of the Indians, and made preparations to meet their hostilities. They hoped, however, that the threatened storm would pass by, as others had, and that peace would be preserved. But the insolence of Philip, and the number of his adherents, increased daily; and, in June, 1675, some of them entered the town of Swanzy, in Plymouth, where, after slaughtering the cattle, and plundering the houses, they fired upon the inhabitants, killing and wounding several. The troops of the colony marched immediately to Swanzy, and were soon joined by a detachment from Massachusetts. The Indians fled, and marked the course of their flight by burning the buildings, and fixing on poles by the way side, the hands, scalps, and heads of the whites, whom they had killed. The troops pursued, but unable to overtake them, returned to Swanzy. The whole country was alarmed, and the number of troops augmented. By this array of force, Philip was induced to quit his residence at Mount Hope, and take post near a swamp at Pocasset. At that place the English attacked him, but were repulsed. Sixteen were killed, and the Indians by this success were made bolder.

Most of the settlements were surrounded by thick forests, and as the Indians lived intermixed with the whites, the former were acquainted, of course, with

the dwellings of the latter, and all the avenues to them; could watch their motions, and fall upon them in their defenceless and unguarded moments. Many were shot dead as they opened their doors in the morning; many while at work in their fields, and others while travelling to visit their neighbours, or to places of worship; their lives were in continual jeopardy; and no one could tell but that, in the next moment, he should receive his death shot from his barn, the thicket, or the way side. Whenever the enemy assembled in force, detachments were sent against them; if weaker than these, they would retreat; if stronger, assault and harass, or destroy them. Defenceless villages were suddenly attacked, the houses burned, and the men, women and children killed or carried into captivity. Their ruin was the work of a moment; and when accomplished, its authors vanished. The colonists found their numbers sensibly diminished, and their strength impaired; and they began to apprehend even total extinction. Nothing but a vigorous effort could save them. The commissioners of the three United Colonies met on the 9th of September, and it was concluded, that the war was just and necessary; that it ought to be jointly prosecuted by all the United Colonies; and that there should be immediately raised 1000 soldiers out of the colonies, in such proportions as the articles of confederation established: Massachusetts, 527; Plymouth, 158; Connecticut, 315. At an adjourned meeting, the commissioners declared the Narragansets to be deeply accessory in the present bloody outrages of the Indians that were at open war, and determined that 1000 more soldiers be raised, for the Narraganset expedition, to obtain satisfaction of those Indians, or to treat them as enemies. On the 8th of December, the Massachusetts forces marched from Boston, and were soon joined by those of Plymouth. The troops from Connecticut joined them on the 18th, at Petaquamscot. At break of day the next morning they commenced their march, through a deep snow, toward the enemy, who were about fifteen miles distant in a swamp, at the edge of which they arrived at one in the afternoon. The Indians, apprized of an armament intended against them, had fortified themselves as strongly as possible within the swamp. The English, without waiting to draw up in order of battle, marched forward in quest of the enemy's camp. The Indian fortress stood on a rising ground in the midst of the swamp, and was composed of palisades, which were encom-

passed by a hedge, nearly a rod thick. It had but one practicable entrance, which was over a log, or tree, four or five feet from the ground; and that aperture was guarded by a block-house. Falling providentially on this very part of the fort, the English captains entered it, at the head of their companies. The two first, with many of their men, were shot dead at the entrance: four other captains were also killed. When the troops had effected an entrance, they attacked the Indians, who fought desperately, and compelled the English to retire out of the fort; but after a hard fought battle of three hours, they became masters of the place, and set fire to the wigwams, to the number of five or six hundred, and in the conflagration many Indian women and children perished. The surviving Indians fled into a cedar swamp, at a small distance; and the English retired to their quarters. Of the English, there were killed and wounded about two hundred and thirty; of the Indians, one thousand are supposed to have perished.

From this blow, the confederated Indians never recovered; but they still remained sufficiently strong to harass the settlements by continual inroads. In retaliation, the English sent several detachments into their territories, nearly all of which were successful. Captain Church, of Plymouth, and Captain Dennison, of Connecticut, were conspicuous for their bravery and success. In the midst of these reverses, Philip remained firm and unshaken. His warriors were cut off; his chief men, his wife and family, were killed, or taken prisoners; and at these successive misfortunes, he is represented to have wept with a bitterness which proves him not to have been destitute of the noblest affections; but he disdained to listen to any offers of peace. He even shot one of his men, who proposed submission. At length, after being hunted from swamp to swamp, he was himself shot, by the brother of the Indian he had killed. The death of Philip, in retrospect, makes different impressions from those which were made at the time of the event. It was then considered as the extinction of a virulent and implacable enemy; it is now viewed as the fall of a great warrior, a penetrating statesman, and a mighty prince: it then excited universal joy and congratulation, as a prelude to the close of a merciless war; it now awakens sober reflections on the instability of empire, and the peculiar destiny of the aboriginal race.* This event was certainly the signal of complete

* "The assurance of the equity of our ancestors," says the compiler of the *American Annals*, "in giving the natives an equivalent for their lands, is highly consoling. The upright and respected Governor

Winslow, in a letter dated at Marshfield, May 1, 1676, observes, 'I think I can clearly say, that before these present troubles broke out, the English did not possess one foot of land in this colony, but

victory. The Indians in all the neighbouring country now generally submitted to the English, or fled, and incorporated themselves with distant and strange nations. Never was peace more welcome. In this short, but tremendous war, about six hundred of the inhabitants of New England, composing its principal strength, were either killed in battle, or murdered by the enemy; twelve or thirteen towns were entirely destroyed; and about six hundred buildings, chiefly dwelling houses, were burnt. In addition to these calamities, the colonies contracted a very heavy debt; while, by the loss of their substance through the ravages of the enemy, their resources were greatly diminished. But, in their deepest distress, they forbore to apply to the mother country for assistance; and this omission excited surprise and jealousy. "You act," said a privy councillor, "as though you were independent of our master's crown; and though poor, yet you are proud."

The New England colonies, in their impoverished state, were destined to a new scene of trouble. Complaints were brought against them the preceding year, by the merchants and manufacturers of England, for their disregard to the acts of navigation.* The governors of these colonies were therefore commanded to enforce a strict obedience to the commercial regulations. Commissions were transmitted, empowering proper persons to administer an oath, framed to secure a strict observance of those laws.†

These laws being enacted by a parliament in which the colonies were not represented, they were regarded as violations of their rights, and continued to be evaded with impunity. Edward Randolph was therefore sent over, commissioned as inspector of the customs in New England. He was also the bearer of a letter from the king, requiring that agents should be sent to the court of London, fully empowered to act for the colonies. It was well understood to be the intention of the king to procure from the agents a surrender of the charters, or to annul them by a suit in his courts, that he might himself place officers over the colonies, who would be subservient to his

what was fairly obtained by honest purchase of the Indian proprietors. We first made a law, that none should purchase or receive of gift any land of the Indians, without the knowledge and allowance of our court. And lest they should be straitened, we ordered that Mount Hope, Pocasset, and several other necks of the best land in the colony, because most suitable and convenient for them, should never be bought out of their hands." See Hubbard's Narrative, (where this important letter is inserted entire,) and Hazard, Coll. ii. p. 531—534.

* "The complainants stated, that the inhabitants of New England not only traded to most parts of Europe, but encouraged foreigners to go and traffic with them; that they supplied the other plantations with those foreign productions which ought only to be

views. The inhabitants of Massachusetts felt that to be deprived of their charter, which secured to them the right of self-government, would be the greatest of calamities; and their agents were instructed in no emergency to surrender it. This being known to the king, a prosecution was instituted against the corporation, and, in 1684, a subservient court of chancery decreed that the charter should be forfeited; and their liberties were seized into the king's hands. Thus fell the old charter of this ancient colony under which the colonists, during fifty-five years, had enjoyed liberty and prosperity; not without encountering frequent aggressions to preserve the one, and incessant difficulties to attain the other. But, though the charter was gone, the spirit which it had cherished, and the habits which it had formed, were retained. Who would then have deemed it credible, that, within a century, its independence would be acknowledged by the parent state?

The impediments to the royal will being thus removed, James established a temporary government over the colony, first appointing Joseph Dudley governor, but he was soon superseded by Sir Edmund Andros. This latter appointment caused the most gloomy forebodings. Sir Edmund had been governor of New York, and it was known that his conduct there had been arbitrary and tyrannical. Having secured a majority in the council, he assumed control over the press, appointing Randolph licenser. He established new and oppressive regulations concerning taxes, public worship, marriages, and the settlement of estates. His subordinate officers, as well as himself, extorted enormous fees for their services. He declared, that the charter being cancelled, the old titles to land were of no validity, and compelled the inhabitants, in order to avoid suits before judges dependent on his will, to take out new patents, for which large sums were demanded.

Happily, this despotic rule was not of long duration. In the beginning of 1689, a rumour reached Boston, that William, prince of Orange, had invaded England, with the intention of dethroning the king. Animated by the hope of deliverance, the people

sent to England; that, having thus made New England the great staple of the colonies, the navigation of the kingdom was greatly prejudiced, the national revenues were impaired, the people were extremely impoverished; that such abuses, at the same time that they will entirely destroy the trade of England, will leave no sort of dependence from that country to this."—Holmes's American Annals, vol. i. p. 384, 385.

† "To add weight to these measures, it was determined, that no Mediterranean passes should be granted to New England, to protect its vessels against the Turks, till it is seen what dependence it will acknowledge on his majesty, or whether his custom-house officers are received as in other colonies."—Holmes's American Annals, vol. i. p. 385. Chalmers, b. i. p. 400—402.

rushed spontaneously to arms, took possession of the fort, seized Andros, Randolph, and other obnoxious persons, and placed them in confinement. A council of safety, consisting of their former magistrates, was then organized, to administer the government until authentic intelligence should be received from England. It was not many weeks before the tidings that William and Mary were firmly seated on the throne arrived. This news was most joyfully received. The people were now relieved from anxiety as to the consequences of their late conduct, which must be allowed to have been more signalized by enthusiastic zeal, than by a calculating prudence. The proclamation of the accession of William and Mary was celebrated at Boston with greater ceremony than any previous event; the governor and council, civil and military officers, the merchants and principal gentlemen of the town and country, mounted on horseback, formed a grand procession; a splendid entertainment was provided in the town-hall; and the soldiers were supplied with wine, in which to pledge their fidelity to their new sovereign.

The people of Massachusetts now applied to the British government for the restoration of their old, or the grant of a new charter. A definitive answer was deferred, but the council was authorized to administer the government according to the provisions of the old charter, until further directions should be given; and Andros, Randolph, and others, were ordered home for trial.

In this unsettled state of the country, the French in Canada and Nova Scotia instigated the northern and eastern Indians to commence hostilities against the English settlements. Dover and Salmon Falls, in New Hampshire, Casco, in Maine, and Schenectady, in New York, were attacked by different parties of French and Indians, and the most shocking barbarities perpetrated on the inhabitants. The Indians having taken the fort at Pemaquid, and the French privateers from Acadie still infesting the coast of New England, the general court of Massachusetts determined to make an attempt on Port Royal. A fleet, with seven or eight hundred men, under the command of Sir William Phipps, sailed on that expedition in the latter end of April. The fort at Port Royal, not being in a state to sustain a siege, surrendered, with little or no resistance; and Sir William took possession of the whole sea coast, from Port Royal to the New England settlements.

Regarding Canada as the principal source of their miseries, New England and New York formed the bold project of reducing it to subjection. By great exertion they raised an army, which, under the com-

mand of General Winthrop, was sent against Montreal, and equipped a fleet, which, commanded by Sir William Phipps, was destined to attack Quebec. The fleet, retarded by unavoidable accidents, did not arrive before Quebec until the fifth of October. Phipps, the next morning, sent a summons on shore, but received an insolent answer from Count Frontenac. The next day he attempted to land his troops, but was prevented by the violence of the wind. On the 8th, all the effective men, amounting to between twelve and thirteen hundred, landed at the Isle of Orleans, four miles below the town, and were fired on from the woods by French and Indians. Having remained on shore three days, they received information from a deserter of the strength of the place, and precipitately embarked. A tempest soon after dispersed the fleet, which made the best of its way back to Boston. A successful result had been so confidently expected, that adequate provision was not made at home for the payment of the troops. In this extremity, the government of Massachusetts issued bills of credit, or paper money; and these were the first that were ever issued in the American colonies; but though it afforded relief at the moment, it produced in its consequences extensive and complicated mischief.

When the colonists resumed their charter in 1689, they earnestly solicited its re-establishment, with the addition of some necessary powers; but the king could not be prevailed on to consent to that measure, and a new charter was obtained. Sir William Phipps arrived at Boston in May, with this charter, and a commission, constituting him governor. The province comprehended in the new charter, contained the whole of the old Massachusetts colony, to which were added the colony of Plymouth, the province of Maine, the province of Nova Scotia, and all the country between the province of Maine and Nova Scotia, as far northward as the river St. Lawrence, also Elizabeth islands, and the Islands of Nantucket and Martha's Vineyard. Under the old charter, all the magistrates and officers of state were chosen annually by the general assembly; by the new charter, the appointment of the governor, lieutenant governor, secretary, and all the officers of the admiralty, was vested in the crown. Under the old charter, the governor had little more share in the administration than any one of the assistants; he had the power of calling the general court, but he could not adjourn, prorogue, or dissolve it. Under the new charter, there was to be an annual meeting of the general court on the last Wednesday in May; but the governor might discretionally call an assem-

bly at any other time, and adjourn, prorogue, and dissolve it at pleasure, while no act of government was to be valid without his consent. He had also the sole appointment of all military officers, and of all officers belonging to the courts of justice; and no money could issue out of the treasury but by his warrant, with the advice and consent of the council. The new charter contained nothing respecting an ecclesiastical constitution; but, with the exception of papists, liberty of conscience, which was not mentioned in the first charter, was now expressly granted to all.

The new government went into operation without any opposition from the inhabitants; and almost the first act of Sir William Phipps and his council, was the institution of a court to try the unfortunate victims of popular delusion, accused of witchcraft, at Salem. "A belief in the direct and sensible agency of supernatural beings has universally prevailed in ages of ignorance and superstition. It formed the life of the pagan mythology; and it has not been

* Murray, Vol. i. p. 294.

† From the mountains of Scotland, or from an indigenous growth of superstition, witchcraft had, in England, gained such an alarming height, as it was called, that a statute was passed against the crime in the thirty-third year of the reign of Henry VIII., making it felony, without the benefit of clergy. Many miserable wretches suffered death under this law, but the evil was not diminished by severity. In the reign of Elizabeth, a reverend prelate, Bishop Jewell, loudly descanted before her upon the prevalence of the crime, and attempted, by his harangue, to awaken the fears of the queen; but she thought she knew as much as any old woman in her realms. This sermon was preached in 1558. In 1584, Reginald Scot, a bold writer, in the strong spirit of common sense, in his treatise on the "Discoverie of Witchcraft," made a complete detection of the wretched fallacy. This work, say the historians, had a good effect for a while, but King James, in 1597, wrote his work on "Demonologie," and the royal dupe to superstition had the most readers, and the good effects of Scot's work were, in a great measure, lost. Persecutions still went on, and the old and ignorant perished by the infatuation in great numbers. Our ancestors, though a quiet and a religious people, brought with them all the prejudices of their kindred, as well as their own. Amongst these prejudices was that of a full belief in witchcraft, and as soon as they began to make laws of a permanent nature for offences, this crime was considered as capital, and enumerated the next after treason and murder in the records of the Old Colony, dated at New Plymouth, November 15, 1636. The language of the law, in defining the crime, is, "*Solemne compaction, or conversing with the divell, by way of witchcraft, conjuration, or the like.*" But on a careful examination of all the Old Colony records, not a single indictment was found until the month of March, 1676, when *Mary Ingham, wife of Thomas Ingham, of the town of Scituate*, was indicted for bewitching Mehitable Woodworth, daughter of Walter Woodworth, of the same place. The woman was not convicted, and no other case occurred until the union under the charter of William and Mary. In other parts of the present Commonwealth there were several trials, and some convictions. In Charlestown, in 1648, Margaret Jones was tried for a witch and executed. She was the first executed in New England.

In 1651, Mary Parsons, of Springfield, was tried for witchcraft and murder. She was acquitted of the former, but found guilty of the latter crime. The next May, her husband, Hugh Parsons, was tried for witchcraft, and acquitted; but in three years afterwards, 1655, Mrs. Hibbons, wife of an assistant to the Governor, was tried, convicted, and executed as a witch. Her death was

wholly effaced among the less enlightened professors of christianity, especially amid those superstitious forms which defaced it during the dark ages. Even the first reformers, who displayed such vigour and independence of mind, and brought to light so many important truths, could not wholly shake off the delusions of the age. Luther's enemies are able to produce from his writings some comments of this nature, which appear almost incredible. The New Englanders brought with them this belief, still in a very prevailing state; and all the circumstances of their situation tended to stamp on their minds solemn and supernatural impressions.* Mather, after Hale, defines a witch to be "a person who, having the free use of reason, doth knowingly and willingly seek and obtain of the devil, or of any other besides the true God, an ability to do or know strange things, or things which he cannot by his own human abilities arrive unto. This person is a witch."

The first trials for witchcraft in New England* occur-

deeply felt, as most persons considered her a woman of fine intellect and good character. This execution checked the infatuation for several years in the Commonwealth. Connecticut was the next in which it was found. It broke out there in 1662-71-73-83, and made no small disturbance; some were executed and some escaped. In 1679, it again appeared in Massachusetts, at Newbury; but nothing serious followed. In 1687, and the next year, the cry of witchcraft was again heard in Boston. The four children of John Goodwin were declared to be afflicted by an old Irish woman, who was tried and executed. This last case was four years before the delusion reached Salem, and it is impossible for us to tell why that good town should bear the whole obloquy of the New England witchcraft, when she only followed the example of Boston, after it had been before her for thirty years.

In most histories of delusions, the lower classes become frantic, and overwhelm the still small voice of the wise; but it was not so here. It began in respectable families, but the good sense of the commonalty would have soon put it down, if divines, magistrates, and statesmen, had not aided the delusion by arguments from scripture, from the opinion of English judges, and from the learned nonsense of the doctors of universities. Phipps, Stoughton, Mather, Hawthorn, and Norris, pursued witches as though they had been possessed by some evil spirits at war with the former; and after all their efforts, jurymen often stood out and took the responsibility of an acquittal upon their own consciences, and when forced by authority to convict some poor wretch, repented of it, and threw the blame on the judges. One of the judges of that day had good sense enough to see the folly and wickedness of the course pursued, and after a struggle to stem the current, but in vain, retreated from the scene of iniquity. This man was Judge Saltonstall, of Haverhill. He deserves a monument more durable than brass,—it will hereafter be erected.

The friends of common sense and humanity, at this time, found a powerful advocate in Mr. Robert Calef, a merchant of Boston. He, like Reginald Scot, breasted the current of popular opinion, and incurred the resentment of the Mathers. His book a perusal of which is now so refreshing, was burnt in the yard of Harvard College, by the hands of the president of that institution. Calef published his work in England, in 1700, and it has lately been republished in Salem.

It is a subject of philosophical inquiry, at the present time, to ascertain the course of this delusion; perhaps it will never be fully settled. "Our fathers," says a writer of eminence, "looked upon nature with more reverence and horror before the world was enlightened by learning and philosophy; and loved to astonish themselves

red in the year 1645, when four persons charged with this crime were put to death in Massachusetts. For more than twenty years after, we hear but little of any similar prosecutions. But, in the year 1688, a woman was executed for witchcraft at Boston, after an investigation conducted with a degree of solemnity that made a deep impression on the minds of the people. The suspicions of the people thus powerfully awakened in this direction, the charges of witchcraft began gradually to multiply, till, at length, there commenced at Salem that dreadful tragedy which rendered New England for many months a scene of bloodshed, terror, and madness, and at one time seemed to threaten the subversion of civil society. In February, 1692, a daughter and a niece of Mr. Paris, the minister of Salem, were afflicted with disorders affecting their bodies in a manner somewhat singular. The physicians, unable to explain the nature of the disease, or to effect a cure, pronounced them bewitched; and the children, hearing of this, declared that an Indian woman who lived in the house was the cause of their torments. Mr. Paris concurred with the physicians. Several private fasts were kept at his house, and the gloom was increased by a solemn fast throughout the colony. The Indian woman confessed herself guilty. The children were visited, noticed, and pitied. This encouraged them to persevere, and other children, either from sympathy, or the desire of similar attentions, exhibited similar contortions. From this moment the evil spread daily wider and wider. Several females charged Mr. Burroughs, a clergyman, with using against them the arts of necromancy, and an indictment against him was speedily drawn up. Being brought to trial, he argued, "that there neither are nor ever were witches, that, having made a com-

pact with the devil, can send a devil to torment other people at a distance." This was a flight far beyond the place or age; his defence was declared altogether frivolous, and sentence of death was at once pronounced. The evil, however, instead of being checked, spread more and more. The accused were multiplied in proportion to the accusers. Children denounced their parents, and parents their children. A word from those who were supposed to be afflicted, occasioned the arrest of the devoted victim; and so firmly convinced were the magistrates that the prince of darkness was in the midst of them, using human instruments to accomplish his purposes, that the slightest testimony was deemed sufficient to justify a commitment for trial. The court specially instituted for this purpose held a session in June, and afterwards several others by adjournment. Many were tried, and received sentence of death, and twenty persons were executed, one of whom was pressed to death because he would not plead! By a most unaccountable departure from the first principles of jurisprudence, all that confessed the crime, if imputed to them, were reprieved; and only those who maintained their innocence had capital punishment inflicted on them. What was still more horrible, the confessed criminals were admitted witnesses against the lives of their fellow-sufferers. By this absurd arrangement, those who were possessed of that high integrity, which will endure death rather than utter deliberate falsehood, fell under the hand of the executioner, while the ignoble and dishonest preserved their lives.* Even amidst those who had been overcome with the powerful temptation arising from the desire to escape the dreadful doom of those who persisted in their innocence, there were some, who, on mature reflection, did not hesitate to retract their

with the apprehensions of witchcraft, prodigies, charms, and enchantments. There was not a village in England that had not a ghost in it; the church yards were all haunted; every large common had a circle of witches belonging to it; and there was scarcely a shepherd to be met with that had not seen a spirit." This was not confined to England, but was in full credit in all the northern countries.

"The gloomy state of New England probably facilitated the delusion, for superstition flourishes in times of danger and dismay." Some portion of the people were mourning over the loss of the old charter; and others were grieving at the great expenses the colonies had incurred in their abortive attempt on the Canadas. Moral causes often produce physical evils. But after all, the folly of receiving what they called "spiritual evidence," can never be atoned for. Men had indeed lost their reason. It was an evil that in time produced abundance of good. Superstition has never reared its head there successfully since.—*American Editor.*

* "The statement afterwards given in by Deliverance Dane, Abigail Baker, and four other females, affords an affecting description of the impulses which induced them to adopt this criminal course. 'Joseph Ballard of Andover's wife being sick,' say they, 'he either from himself, or the advice of others, fetched two of the persons called the afflicted persons from Salem village to Andover,

which was the cause of that dreadful calamity which befel us at Andover. We were blindfolded, and our hands were laid on the afflicted persons, they being in their fits, and falling into these fits at our coming into their presence, and then they said that we were guilty of afflicting them, whereupon we were all seized as prisoners by a warrant from the justice of peace, and forthwith carried to Salem; and by reason of that sudden surprisal, we knowing ourselves altogether innocent of that crime, we were all exceedingly astonished, and amazed, and consternated, and affrighted out of our reason; and our dearest relations seeing us in that dreadful condition, and knowing our great danger, they, out of tender love and pity, persuaded us to confess what we did confess; and, indeed, that confession was no other than what was suggested to us by some gentlemen, they telling us that we were witches, and they knew it, and we knew it, and they knew that we knew it, which made us think that we were so, and our understanding, and our reason, and our faculties being almost gone, we were not capable of judging of our condition; as also the hard measures they used with us rendered us incapable of making any defence, but we said any thing and every thing they desired, and most of what we said was, in fact, but a consenting to what they said.'"—Neale, vol. ii. p. 160—162

forced confessions, though death looked them full in the face. Samuel Wardmel was the first who ventured to act so noble a part; and he was immediately put on his trial, condemned, and executed! Others were not prevented, however, from following this most meritorious example; and this conduct shook the faith of many, and threw discredit on the numerous confessions which had continually occurred.*

The "defenders of the faith" in witchcraft, when summoned by their opponents to produce a confession free from just grounds of suspicion, felt themselves in a very difficult predicament, as all the confessions must lie under the imputation of being given to insure the important purpose of saving their necks from the halter; and how does posterity blush for them, when they tender, as their best defence, such miserable trash as the following confession of W. B.: "God having called me to confess my sin and apostacy in that fall, in giving the devil advantage over me, appearing in the shape of a black man, in the evening, to set my name to his book, as I have owned to my shame, he told me that I should not want, so doing. At Salem village there being, a little off the meeting-house, about a hundred fine blades, some with rapiers by their sides, which was called, and might be for aught I know, by B. and Bu, and the trumpet sounded, and bread and wine, which they called the sacrament; but I had none, being carried over all on a stick, and never was present at any other meeting. I being at cart last Saturday all the day of hay and English corn, the devil brought my shape to Salem, and did afflict M. S. and R. F. by clitching my hand; and on sabbath-day my shape afflicted A. M., &c. The design was to destroy Salem village, and to begin at the minister's house, and to destroy the churches of God, and to set up Satan's kingdom, and then all will be well. And now I hope God hath made me in some measure sensible of my sin and apostacy, begging pardon of God, and of the honourable magistrates, and all God's people; hoping, and promising, by the help of God, to set to my heart and hand to do what lieth in me to destroy such wicked worship; humbly begging the prayers of God's people for me, I may walk humbly under all this great affliction, and that I may procure to myself the sure mercies of David."†

* One poor girl, of the name of Mary Jacobs, deserves to be immortalized, more than half the names that shine so splendidly on the page of history. She gives the following account, in a letter to her mother: "I having, through the threats of the magistrates, and my own vile and wretched heart, confessed several things contrary to my own conscience and knowledge, though to the wounding of my own soul, the Lord pardon me for it; but, oh! the terrors of a wounded conscience who can bear! But, blessed be the Lord,

The nature of the evidence by which these charges of demoniacal possession were sustained, was quite consistent with the confession we have just quoted. A specimen from Mather will sufficiently attest the truth of this observation. "It is well known," says that historian, "that these wicked spectres did proceed so far as to steal several quantities of money from divers people, part of which individual money was dropt sometimes out of the air, before sufficient spectators, into the hands of the afflicted, while the spectres were urging them to subscribe their covenant with death. Moreover, poisons to the standers-by, wholly invisibly, were sometimes forced upon the afflicted; which, when they have, with much reluctancy, swallowed, they have swoln presently, so that the common medicines for poisons have been found necessary to relieve them. Yea, sometimes the spectres in the struggles have so dropt the poisons, that the standers-by have smelt them, and viewed them, and beheld the pillows of the miserable stained with them. Yet more, the miserable have complained bitterly of burning rags run into their forcibly distended mouths; and though nobody could see any such cloths, or indeed, any fires in the chambers, yet, presently, the scalds were seen plainly by every body on the mouths of the complainers, and not only the smell, but the smoke of the burning, sensibly filled the chambers. Once more, the miserable exclaimed extremely of branding irons heating at the fire on the hearth to mark them; now, though the standers-by could see no irons, yet they could see distinctly the print of them in the ashes, and smell them too as they were carried by the not-seen furies unto the poor creatures for whom they were intended; and those poor creatures were thereupon so stigmatized with them, that they will bear the marks of them to their dying day. Nor are these the tenth part of the prodigies that fell out among the inhabitants of New England.—Flashy people may burlesque these things, but when hundreds of the most sober people in a country, where they have as much mother-wit certainly as the rest of mankind, know them to be true, nothing but the absurd and froward spirit of Sadducism can question them. I have not yet mentioned so much as one thing that will not be justified, if it be required, by

he would not let me go on in my sins, but in mercy, I hope, to my soul, would not suffer me to keep it in any longer; but I was forced to confess the truth of all before the magistrates, who would not believe me, and God knows how soon I shall be put to death, Dear father, let me beg your prayers to the Lord in my behalf, and send us a joyful and happy meeting in heaven."—Neale, vol. ii. p. 146, 147.

† Mather, b. vi. p. 81.

the oaths of more considerate persons than any that can ridicule these odd phenomena."

To such an extent of idiocy did this folly proceed, that irrational animals did not escape suspicion, and a dog was actually hanged as being an accomplice with his master! After this, we shall be excused, perhaps, taking our stand amongst the "flashy people" who "burlesque these things;" or rather amongst those who grieve that so much ignorance and folly could possibly exist, combined with such excellent mental and moral qualities, as those with which we find it associated, both in the parent country and the colonies, during the seventeenth century.

Emboldened by their success, and carried away by the enthusiasm of deception, the accusers took higher aim, and levelled their shafts of malice against many of the most respectable as well as virtuous inhabitants, including ministers, and even the governor himself. The community were thrown into consternation. Each felt alarm for himself, his family, and his friends. The shock roused them to reflection. They considered more closely the character of the accusers; the nature of the alleged crime; the testimony, often contradictory, and never explicit; and more than all these, the high standing of some who were implicated;* and they began to doubt whether they had not been too credulous and precipitate. Of fifty-six bills which were presented at the next sessions, the grand jury threw out thirty, rejecting, in some instances, even the confession of the accused. Of the remaining twenty-six the petty jury condemned only three; but the governor had now determined to make a general sweep of the whole proceedings. He pardoned all those under sentence, threw open the prison doors, and turned a deaf ear to all the outcries and groans of the afflicted; and, in order to prevent the dissensions that might arise from retributory proceedings against the accusers and their witnesses, he proclaimed a general pardon to all persons for any concern they might have had in the prosecutions for witchcraft. The believers in witchcraft anticipated the most gloomy consequences from the free scope thus given to the operations of the powers of darkness. Great then was their surprise to find that from this moment all the troubles of the afflicted ceased, and were never more heard of. Many

of the witnesses now came forward and published the most solemn recantations of the testimony they had formerly given, both against themselves and others; apologizing for their perjury by a protestation, of which all were constrained to admit the force, that no other means of saving their lives had been left to them. Many of the jurymen subscribed and published a declaration, lamenting and condemning the delusion to which they had yielded, and acknowledging that they had brought the reproach of innocent blood on their native land. The house of assembly appointed a general fast, and prayer, "that God would pardon all the errors of his servants and people in a late tragedy raised among us by Satan and his instruments." Mr. Paris, the clergyman who had instituted the first prosecutions, and promoted all the rest, sensible, at length, how dreadfully erroneous his conduct had been, hastened to make a public profession of repentance, and solemnly begged forgiveness of God and man. But the people declaring that they would never more attend the ministry of one who had been the instrument of misery and ruin to so many of their countrymen, he was obliged to resign his charge, and depart from Salem.

This scene of delusion and cruelty, which has justly excited the astonishment and reprehension of all civilized nations,† indicates most powerfully the truth, that the doctrines of Christianity were not designed by their Divine Promulgator to supersede the possession of general knowledge; but that there is no department of knowledge, the acquisition of which does not tend to exhibit the beauties of Christianity more fully, and give to its purifying efficacy a more expansive surface on which to operate. This is especially the case with mental and moral philosophy. Had these excellent men been acquainted with the structure of the human mind, they would have at once devised far other methods to counteract the delusions of afflicted childhood and half civilized Indians, than the halter and the executioner; and never would have disgraced the name of Christianity, which they pre-eminently bear, with a degree of superstition and folly equal to that of the darkest ages of popery or of heathenism. Let some of those who now stand foremost in the ranks of Christian profession ask themselves faithfully, whether, in their

* The reasons given by the historian, were not the only operating causes in staying this wide spreading evil; several actions for slander were brought by persons accused, against their fanatical slanderers; and the damages in these cases were laid to an amount so far above their means, that it was impossible for them to procure bail; of course, the defendants were imprisoned, and this frightened the whole tribe of those who had, with impunity, falsely accused whom they pleased, and thus were they completely

silenced. This species of action has often been prosecuted since, with great benefit to society.—*Am. Ed.*

† It is but justice to the inhabitants of New England to observe, that though the present age may censure the past for its superstition, neither England nor any other nation is entitled to cast the first stone at them. More persons were put to death in England in a single county in a few months, than suffered in all the colonies during the whole period of their existence.

deficiency of general knowledge, and their rigid attachment to party, they do not imitate the reprehensible features of the puritan character, while they leave far behind their devoted zeal, manifested in the heroic sacrifices they made for the all-important truths to which they were so ardently attached.

It is matter of satisfaction to the historian, that his attention is not again to be diverted, in the annals of this state, from his peculiar province, to record events which, had the intention of religion been rightly apprehended, would not have intermixed with civil affairs in fact, and therefore, not in history.—The legislature, at its first session under the new charter, passed a law which indicates the same independent spirit that afterwards resisted the usurpations of the British parliament. It provided that no tax should be imposed upon any of his majesty's subjects, or their estates, in the province, but by the act and consent of the governor, council, and representatives of the people, in general court assembled. It is almost needless to add, that this law was disallowed by the king.

The war with the French and Indians, which began in 1690, was not yet terminated. For several years were the frontier settlements harassed by the savages, and the English were employed in expeditions against them. This continuance of the war on the part of the Indians, instigated and aided by the French, induced repeated applications for a force from the British government, to act in conjunction with land forces to be raised in New England and New York, for the reduction of Canada; and it was at length determined, that an expedition should be undertaken for that purpose. A fleet was to be employed in the winter in the reduction of Martinico; and, after the performance of that service, was to sail to Boston, take on board a body of land forces under Sir William Phipps, and proceed to Quebec. By attempting too much, the whole of this extensive project entirely failed. The attacks of the natives on the English continued with little intermission till the peace of 1697. They were carried on with Indian cunning, treachery, and cruelty. "To these causes of suffering were superadded the power of all such motives as the ingenuity of the French could invent, their wealth furnish, or their bigotry adopt. Here all the implements of war and the means of sustenance were supplied; the expedition was planned; the price was bidden for scalps; the aid of European officers and soldiers was conjoined; the devastation and slaughter were sanctioned by the ministers of religion; and the blood-hounds, while their fangs were yet dropping blood, were caressed

and cherished by men regarded by them as superior beings. The intervals between formal attacks were usually seasons of desultory mischief, plunder, and butchery; and always of suspense and dread. The solitary family was carried into captivity; the lonely house burnt to the ground; and the traveller way-laid and shot in the forest. It ought, however, to be observed, to the immortal honour of these people, distinguished as they are by so many traits of brutal ferocity, that history records no instance in which the purity of a female captive was violated by them, or even threatened."*

The peace of Ryswick, which had been signed on the 20th of September, was proclaimed at Boston on the 10th of December, and the English colonies had a brief repose. By the seventh article it was agreed, that mutual restitution should be made of all the countries, forts, and colonists, taken by each party during the war.

In the year 1702, Joseph Dudley arrived at Massachusetts, with a commission from Queen Anne, who had succeeded William and Mary on the British throne, to be captain-general and governor-in-chief over that province. In his first speech to the council and assembly, he informed the house of representatives, that he was commanded by her majesty to observe to them, "that there is no other province or government belonging to the crown of England, except this, where there is not provided a fit and convenient house for the reception of the governor, and a settled stated salary for the governor, lieutenant-governor, secretary, judges, and all other officers; which, therefore, is recommended to you. And since this province is so particularly favoured by the crown, in more instances than one, their more ready obedience is justly expected in this and all other occasions." The house, in their answer the next day, observed, "As for those points which, in obedience to her majesty's command, your excellency has laid before this house, we shall proceed with all convenient speed to the consideration of them." Having resolved that the sum of 500*l.* be at this time presented out of the public treasury to the governor, the house, in their answer to some parts of his speech, observed, "As to settling a salary for the governor, it is altogether new to us; nor can we think it agreeable to our present constitution, but we shall be ready to do according to our ability, what may be proper on our part for the support of the government." Shortly after, the governor directed that the speaker and representatives should be sent for up to the council chamber;

* Dwight's Travels, vol. i. p. 118, 119.

and, after expressing his regret and disappointment at their procedure, and observing that there was a necessity of his seeing the other province and the frontiers, dismissed them. Thus commenced the dispute between the governor and the general assembly of Massachusetts, upon the claims of the one, and the rights of the other, which lasted more than seventy years. It was a Gordian knot, which could not be untied, but which was severed at the revolution.

In a few years war again broke out in Europe, and hostilities speedily recommenced in America. The first blow fell upon Deerfield. In February, 1704, it was surprised in the night, about forty persons were killed, and more than one hundred were made prisoners, among whom were Mr. Williams, the minister, and his family. The killed were scalped, and the prisoners commanded to prepare for a long march to Canada. On the second day, Mrs. Williams was so exhausted with fatigue that she could go no farther. Her husband solicited permission to remain with her; but the retreating savages, according to their custom in such cases, killed her, and compelled him to proceed. Before the termination of their journey, twenty more became unable to walk, and were in like manner sacrificed. Those who survived the journey to Canada were treated by the French with humanity; and after a captivity of many years, most of them were redeemed, and returned to their friends.

New York having agreed with the French and the Western Indians to remain neutral, the enemy were enabled to pour their whole force upon Massachusetts and New Hampshire, the inhabitants of which, for ten years, endured miseries peculiar to an Indian war, of which the description we have given falls below the truth. The enemy were at all times prowling about the frontier settlements, watching in concealment for an opportunity to strike a sudden blow, and to fly with safety. The women and children retired into the garrisons; the men left their fields uncultivated, or laboured with arms at their sides, and with sentinels at every point whence an attack could be apprehended. Yet, notwithstanding these precautions, the Indians were often successful, killing sometimes an individual, sometimes a whole family, sometimes a band of labourers, ten or twelve in number; and so swift were they in their movements, that but few fell into the hands of the whites. It was computed, that the sum of one thousand pounds was expended for every Indian killed or made captive.

In 1707, Massachusetts, New Hampshire and Rhode Island, despatched an armament against Port Royal, in Nova Scotia, then in possession of the French, which returned, however, without effecting

its object; but in 1710, the troops of New England, assisted by a British fleet, succeeded in reducing the place; and in compliment to Queen Anne, changed its name to Annapolis.

Encouraged by the success of this enterprise, General Nicholson visited England to concert an expedition against Canada. His proposition was adopted, and in June, 1711, Admiral Walker, with a fleet of fifteen ships of war, and forty transports, bringing an army of veteran troops, arrived at Boston. Taking on board two additional regiments, he sailed from that port about the last of July. At the same time General Nicholson repaired to Albany, to take the command of the troops that were to proceed by land. When the fleet had advanced ten leagues up the river St. Lawrence, the weather became tempestuous and foggy. A difference of opinion arose concerning the course to be pursued; the English pilots recommending one course, and the colonial another. The admiral, like most English officers, preferred the advice of his own pilots to the colonial. Pursuing the course they recommended during the night, nine transports were driven upon the rocks and dashed to pieces. From every quarter cries of distress arose, conveying, through the darkness, to those who were yet afloat, intelligence of the fate of their comrades, and of their own danger. The shrieks of the drowning pleaded powerfully for assistance, but none could be afforded until the morning dawned, when six or seven hundred, found floating on the scattered wrecks, were rescued from death, more than a thousand having sunk to rise no more. Weakened by this terrible disaster, the admiral determined to return to England, where he arrived in the month of October. The New England troops returned to their homes, and Nicholson, having learned the fate of the fleet, led back his troops to Albany. In the year 1713, France and England made peace at Utrecht, and the Indian wars terminated at the same time.

Colonel Shute, who had served under the celebrated duke of Marlborough, was appointed to succeed Governor Dudley, in the year 1716. On his arrival in the province, he found the people divided into two parties, one in favour of a public bank, which had just been established, the other of the incorporation of a private bank. Having attached himself to the interests of the former, the latter became hostile; and, led by a Mr. Cooke, virulently opposed all his measures. At the election of speaker to the general court, in 1720, this party were successful. The choice was communicated to the governor, who interposed his negative. The house persisting in their choice, and denying his right to interfere, the

governor dissolved the assembly, and ordered a new election. The charter not giving to the governor a vote on the choice of a speaker, the people resolved to support their representatives, and nearly all of them were again elected. When met, to avoid a second dissolution, they chose a Mr. Lindall speaker; but in a remonstrance to the governor, reasserted their right to choose their presiding officer. The session was short, and displayed no abatement in the angry feelings of the house. Instead of 600*l.*, the usual grant to the governor for half a year's salary, they appropriated but 500, and, in evident displeasure, deferred that act until near the close of the session. At their next meeting, the same feelings prevailed, and the same diminished sum was voted. The governor then informed them, that he had been instructed by the king to recommend to the assembly to establish for him a permanent and honourable salary. The house, aware of the importance of retaining the power of granting such sums as the governor might merit by his conduct, replied, that the subject was new, and expressed a wish that the court might rise; with which request the governor complied.

This disagreement continued, the breach still widening, through several subsequent sessions. The representatives, confident of the support of the people, refused to establish a permanent salary for the governor, and often withheld the pittance they gave, until he had sanctioned the measures they had adopted. His residence in the province being thus rendered unpleasant, he suddenly and privately quitted it, in December, 1722. Upon his arrival in England, he exhibited charges against the house, of having made various encroachments upon the king's prerogative, which the agents of the province were instructed to answer and repel.

Shute remained in England until 1728, when he resigned his office, and William Burnet, then governor of New York, was appointed his successor. In his first speech, the new governor informed the house that he had received positive instructions from the king to insist on a permanent salary. The representatives, generous of their money, but tenacious of their rights, appropriated 300*l.* for the expenses of his journey, and 1400*l.* towards his support, not specifying for what time. The first sum he accepted, but absolutely declined receiving any compensation for his services, except in the mode of a fixed salary. The delegates were equally decided; and having transacted all their necessary business, requested the governor, by message, to adjourn them. He replied, that he could not comply with their request, as, if he

did, he should put it out of their power to pay immediate regard to the king's instructions. The court still persisted in its refusal to comply with the reiterated and earnest requests of his majesty's representative. On this account the governor adjourned the assembly, to meet at Salem, intimating that they were too much under the influence of the inhabitants of Boston. The governor seemed determined to continue the assembly in session until the members complied with the royal mandate. In this situation, the house of representatives presented a memorial to the king, setting forth the reasons of their conduct in relation to the salary. They informed his majesty, that "it is, and has been very well known in this, as well as other nations and ages, that governors, at a distance from the prince, or seat of government, have great opportunities, and sometimes too prevailing inclinations, to oppress the people; and it is almost impossible for the prince, who is the most careful father of his subjects, to have such matters set in a true light." This address was referred to the board of trade, before whom there was a hearing in behalf of the crown, as well as on the part of the house. The board condemned the conduct of the latter, in refusing to comply with the royal instructions; and in the conclusion of the report to the king and council, discovered an extreme jealousy of the growing power and wealth of that province, and of the supposed determination of its inhabitants to become independent of the crown. "The inhabitants," say the board, "far from making suitable returns to his majesty, for the extraordinary privileges they enjoy, are daily endeavouring to wrest the small remains of power out of the hands of the crown, and to become independent of the mother kingdom. The nature of the soil and products are much the same with those of Great Britain, the inhabitants upwards of ninety-four thousand, and their militia, consisting of sixteen regiments of foot and fifteen troops of horse, in the year 1718, fifteen thousand men; and by a medium, taken from the naval officers' accounts for three years, from the 24th of June, 1714, to the 24th of June 1717, for the ports of Boston and Salem only, it appears that the trade of this country employs continually no less than three thousand four hundred and ninety-three sailors, and four hundred and ninety-two ships, making twenty-five thousand four hundred and six tons. Hence your excellencies will be apprised of what importance it is to his majesty's service, that so powerful a colony should be restrained within due bounds of obedience to the crown; which, we conceive, cannot effectually be done without the interposition of the British legislature,

wherein, in our humble opinion, no time should be lost.”*

The controversy was suspended for a time by the death of the governor, which was supposed to have been hastened by his unsuccessful contest with the house of representatives. His successor was Mr. Belcher, then agent in England. As he belonged to the popular party, his appointment gave rise to the expectation, that the instruction to obtain a permanent salary was withdrawn. But not only was it left unrescinded, but enforced by a threat of punishment. The assembly were told, that, in case of further refusal, his majesty would find himself under a necessity of laying the undutiful behaviour of the province before the legislature of Great Britain, not only in this single instance, but in many others of the same nature and tendency; “whereby it manifestly appears,” his majesty observes, “that this assembly, for some years last past, have attempted, by unwarrantable practices, to weaken, if not cast off, the obedience they owe to the crown, and the dependence which all colonies ought to have on their mother country.” But neither the popularity of the new governor, nor the threats of the king, could induce a change of conduct on the part of the people of Massachusetts. Attempts were made to effect a compromise, but in vain. The assembly made a temporary grant of 1000*l.*, but the governor was instructed to assent to no other than a fixed and permanent salary. Satisfied that the house would never yield on this subject, the governor solicited a relaxation of his instructions, and the crown finally permitted him to assent to temporary grants. Thus, after a constant struggle of more than thirty years, the crown was at last compelled to yield to the bold and persevering opposition of the people of that province. This controversy was not renewed in Massachusetts until 1773, when an attempt on the part of the crown, to provide salaries for the governors and judges of that province, independent of the assembly, was resisted with the same firmness; and, as will hereafter appear, was one of the causes which induced the people of that province to declare themselves independent of the parent country.† For the present, however, these turbulent times were succeeded by a calm; during which the enemies of Governor Belcher, by incessant misrepresentation, deprived him of the favour of the ministry in England; and, in 1740, he was replaced by Mr. William Shirley.

In 1744, war again broke out between England and France, and the colonies were involved in its ca-

lamities. To guard against the incursions of the French and Indians, five hundred men were impressed, three hundred of whom were destined for the eastern frontier, and two hundred for the western. The ordinary garrisons were re-enforced, and gunpowder was sent to the several townships to be sold to the inhabitants at the prime cost. In the spring of this year opportunely arrived in Boston the king's gift to Castle William of twenty pieces of heavy artillery, and two mortars; and about the same time the legislature of Massachusetts voted a range of forts to be built between Connecticut river and New York boundary line.

Commerce in general, and especially the fisheries, suffered great injury from privateers fitted out at Louisbourg, a French port on Cape Breton. Its situation gave it such importance, that nearly six millions of dollars had been expended on its fortifications. The place was deemed so strong as to deserve the appellation of the Dunkirk of America. In peace, it was a safe retreat for the ships of France, bound homeward from the East and West Indies. In war, it gave the French the greatest advantage for ruining the fishery of the northern English colonies, and endangered the loss of Nova Scotia. The reduction of this place was, for these reasons, an object of the highest importance to New England; and Mr. Vaughan, of New Hampshire, who had often visited that place as a trader, conceived the project of an expedition against it. He communicated it to Governor Shirley, and being ardent and enthusiastic, convinced him that the enterprise was practicable, and inspired him with his own enthusiasm. Early in January, before he received any answer to the communications he had sent to England on the subject, he requested of the members of the general court, that they would lay themselves under an oath of secrecy, to receive from him a proposal of very great importance. They readily took the oath, and he communicated to them the plan which he had formed of attacking Louisbourg. The proposal was at first rejected; but it was finally carried by a majority of one. Letters were immediately despatched to all the colonies, as far as Pennsylvania, requesting their assistance, and an embargo on their ports. Forces were promptly raised, and William Pepperell, Esq. of Kittery, was appointed commander of the expedition. This officer, with several transports, under the convoy of the Shirley snow, sailed from Nantucket on the 24th of March, and arrived at Canso on the 4th of April. Here the troops, joined by those of New Hampshire and Con-

* Hutchinson, vol. ii. p. 230.

† Pitkin, vol. i. p. 131.

necticut, amounting collectively to upwards of four thousand, were detained three weeks, waiting for the ice, which environed the island of Cape Breton, to be dissolved. At length Commodore Warren, agreeably to orders from England, arrived at Canso in the *Superbe*, of sixty guns, with three other ships of forty guns each; and, after a consultation with the general, proceeded to cruise before Louisbourg. The general soon after sailed with the whole fleet; and on the 30th of April, coming to anchor at Chapeaurouge Bay, landed his troops. Lieutenant Colonel Vaughan conducted the first column through the woods within sight of Louisbourg, and saluted the city with three cheers. At the head of a detachment, chiefly of the New Hampshire troops, he marched in the night to the north-east part of the harbour, where they burned the warehouses containing the naval stores, and staved a large quantity of wine and brandy. The smoke of this fire, driven by the wind into the grand battery, so terrified the French, that they abandoned it; and, spiking the guns, retired to the city. The next morning Vaughan took possession of the deserted battery; but the most difficult labours of the siege remained to be performed. The cannon were to be drawn nearly two miles over a deep morass within gun-shot of the enemy's principal fortifications; and for fourteen nights the troops, with straps over their shoulders, sinking to their knees in mud, were employed in this arduous service.* The approaches were then begun in the mode which seemed most proper to the shrewd understandings of untaught militia. Those officers who were skilled in the art of war talked of zig-zags and epaulements; but the troops made themselves merry with the terms, and proceeded in their own way. By the 20th of May, they had erected five batteries, one of which mounted five forty-two pounders, and did great execution. Meanwhile, the fleet cruising in the harbour had been equally successful; it captured a French ship of

sixty-four guns, loaded with stores for the garrison, to whom the loss was as distressing as to the besiegers the capture was fortunate. English ships of war were, besides, continually arriving, and added such strength to the fleet, that a combined attack upon the town was resolved upon.

Discouraged by these adverse events and menacing appearances, Duchambon, the French commander, determined to surrender; and, on the 16th of June, articles of capitulation were signed. After the surrender of the city, the French flag was kept flying on the ramparts; and several rich prizes were thus decoyed. Two East Indiamen, and one South Sea ship, estimated at 600,000*l.* sterling, were taken by the squadron at the mouth of the harbour. This expedition was one of the most remarkable events in the history of North America. It was not less hazardous in the attempt, than successful in the execution. "It displayed the enterprising spirit of New England; and though it enabled Britain to purchase a peace, yet it excited her envy and jealousy against the colonies, by whose exertions it was acquired."† The intelligence of this event spread rapidly through the colonies, and diffused universal joy. Well might the citizens of New England be somewhat elated; without even a suggestion from the mother country, they had projected, and with but comparatively little assistance achieved, an enterprise of vast importance to her and to them. Their commerce and fisheries were now secure, and their maritime cities relieved from all fear of attack from a quarter recently so great a source of dread and discomfort.

Fired with resentment at their loss, the French made extraordinary exertions to retrieve it, and to inflict chastisement on New England. The next summer they despatched to the American coast a powerful fleet, carrying a large number of soldiers. The news of its approach spread terror throughout New England; but an uncommon succession of disasters de-

* This error has been kept alive by one historian after another, to the astonishment of every one who has ever viewed the ground. It was impossible then, as now, to drag cannon over this morass in the ordinary way. A boy of the weight of seventy pounds was sent on to the morass. He could only proceed a few feet. A pole was driven down thirty feet in the mud. That the cannon was then conveyed across the morass, there could be no doubt; how, was the question. While deliberating on this subject, I heard that a gentleman was living, then past ninety years of age, in Newburyport, in the commonwealth of Massachusetts, who had been an artificer at the siege of Louisbourg. I paid him a visit, and stated my difficulties on this passage of history. Captain Noyes at once explained the whole matter. "We had (said he) several hundred pairs of snow-shoes in camp, expecting a winter campaign. I had found that I could walk, with a pair of them, over this morass, and stated the fact to General Pepperell. Secretly, I had drags built, twenty feet by sixteen, smooth and flat at the bottom. Putting the cannon on these vehicles, and taking fifty men accustomed to travel

with snow-shoes, and fixing a long rope to the drag, we walked the morass without difficulty, and placed the cannon where Colonel Vaughan wished them to be; covering them with sea-weed until all our business was done, without any risk or extraordinary fatigue. All the materials for the battery were transported in the same manner; and where there appeared only a mass of sea-weed at night, a formidable battery rose in the morning. This finished the siege." The veteran spoke of the determined bravery of the troops as surpassing every thing the most experienced officers had witnessed. Pepperell was knighted for the exploit; but Vaughan, Woolcot, Gorham, and Dwight, were the heroes of that campaign; Vaughan commanded the New Hampshire troops; Woolcot the Connecticut; Gorham, Dwight, and others, those of Massachusetts.—*American Editor.*

† Coll. Mass. Hist. Soc. vol. i. p. 4—60, where there is an authentic account of this expedition, from original papers. Holmes's *American Annals*, vol. ii. p. 27. Hutchinson, vol. ii. c. 4. Belknap. *New Hampshire*, vol. ii. p. 193—224.

prived it of all power to inflict injury. After remaining a short time on the coast, it returned to France, having lost two admirals, both of whom it was supposed put an end to their lives through chagrin; having also, by tempests, been reduced to one half its force, without effecting any of the objects anticipated.

In the month of November, 1747, a great tumult occurred in the town of Boston, arising from the following circumstance: Commodore Knowles, while lying at Nantasket with a number of men of war, losing some of his sailors by desertion, thought it reasonable that Boston should supply him with as many men as he had lost. He therefore sent his boats early in the morning, and surprised not only as many seamen as could be found on board any of the ships, but pressed some ship carpenters' apprentices, and other labouring landmen. This conduct was universally resented as outrageous; and as soon as it was dusk, several thousand people assembled in King's-street, where the general court was sitting. Stones and brickbats were thrown into the council chamber through the windows. A judicious speech of the governor from the balcony, disapproving of the impress, promising his utmost endeavours to obtain the discharge of the persons impressed, but reprehending the irregular proceedings of the people, had no effect. The seizure and restraint of the commanders and other officers who were in town were insisted on, as the only effectual method to procure the release of the inhabitants aboard the ships. The militia of Boston was summoned the next day to the aid of government, but refused to appear. The governor, judging it inexpedient to remain in town another night, withdrew to Castle William; but kept up a communication with the commodore, urging the liberation of the townsmen. Meanwhile, the council and house of representatives passed some vigorous resolutions, and the tumultuous spirit began to subside. The inhabitants, assembled in town meeting, while they expressed their sense of the great insult and injury by the impress, condemned the riotous transactions. The militia of the town the next day promptly made their appearance, and conducted the governor with great pomp to his house; and the commodore dismissed most, if not all, of the inhabitants who had been impressed; and the squadron sailed, to the joy and repose of the town.

In October, 1748, a treaty of peace between England and France was signed at Aix la Chapelle. By the articles of this treaty, Cape Breton was given up to the French, in a compromise for restoring the French conquests in the low countries to the empress queen of Hungary and the States General, and for a general

restitution of places captured by the other belligerent powers. It was naturally a mortification to the inhabitants of New England, that what they termed, not unjustly, "their own acquisition," should be restored to France; but so long as peace continued, they sustained no disadvantage. In most respects, Massachusetts Bay was never in a more easy and happy situation, than at the close of this war. By the reimbursement of the whole charge incurred by the expedition against Cape Breton, the province was set free from a heavy debt, and was enabled to exchange a depreciated paper medium, which had long been the sole instrument of trade, for the more substantial one of silver and gold, a commercial advantage which almost excited the envy of the other colonies, in which paper was the principal currency. The Indians upon the frontiers were so reduced, that new settlements were made without danger, which not only caused the territory settled to increase in value, but afforded materials for enlarging the commerce of the province.

There was but little subject for controversy in the general assembly. Governor Shirley's administration had been satisfactory to the major part of the people. Indeed, the prosperous state of the province was very much owing to the success of his vigorous measures, of which he wished to give an account in person, and for that purpose, as well as to promote some arrangements for the defence of the colony against the encroachments of the French, had obtained leave to go to England.

Hostilities from the Indians had ceased when peace was concluded with France; but it was thought necessary on this, as on previous occasions, to have the peace formally recognized. Scarcely, however, was this effected in due form, before a circumstance occurred which had nearly occasioned a new war. In the end of November, actuated by feelings of revenge for past injuries, some English inhabitants of a place in the county of York, called Wiscasset, killed an Indian, and dangerously wounded two others. Two persons were apprehended and brought to trial for the murder; but they were, it appears, unjustly acquitted. "Many good people at this time," says Hutchinson, "lamented the disposition, which they thought was discovered, to distinguish between the guilt of killing an Indian, and that of killing an Englishman, as if God had not made of one blood all the nations of men upon the face of the earth."* The Indians made an attempt to avenge themselves by the capture of Fort Richmond, on the Kennebeck, but were not successful; they succeeded, however, in taking pri-

* History of Massachusetts' Bay, from 1749 to 1774. London, 1828.

soners several of the inhabitants who resided near the fort: but after a short time the injury was forgotten.

In the following year, the colonies of Massachusetts and Connecticut were deeply engaged in a controversy respecting their boundary line; but the limits of our work will not permit a detail of the affair, nor would it be interesting to the general reader. During this year also, the question of "paper against gold," which has occupied so much of the attention of the British legislature, and of the community at large, occasioned several tumults in Boston. Our readers will, however, be surprised to learn, that the dissatisfaction was occasioned, not by the introduction of paper, but by the substitution of gold and silver for what has been elegantly termed the "old rag system." "The paper," they said, "was not worth hoarding, but silver and gold would all fall to the share of men of wealth, and would either be exported or hoarded up, and no part of it would go to the labourer, or the lower class of people, who must take their pay in goods, or go without. In a short time, however, experience taught them, that it was as easy for a frugal industrious person to obtain silver, as it had been to obtain paper; and the prejudice in the town of Boston was so much abated, that, when a large number of people from Abington, and other towns near to it, came to Boston, expecting to be joined by the like people there, they were hooted at, and insulted by the boys and servants, and obliged to return home disappointed."*

It has already been observed, that the restoration of peace, and the almost entire extinction of the Indians on the frontiers, added much to the security and to the value of the land; these circumstances also afforded a prospect for a more extended settlement of the colony. A Mr. Waldo, proprietor of a large tract of land in the eastern frontier, induced many emigrants from Germany, and other foreign protestant states, to accept conditional grants of land; but Governor Hutchinson seems to be of opinion, that the expectations, both of the emigrants and of the proprietor, were disappointed.

The administration of Mr. Phipps, who had acted as lieutenant-governor during Mr. Shirley's absence, was but short; and, as was usually the case, the government of lieutenants was little disturbed by any controversy with the general court. Mr. Shirley returned to Boston in August, 1753. During his abode in France, he took a step, which, according to Mr. Hutchinson's idea of it at least, "he had reason to

repent of as long as he lived. At the age of three-score he was captivated with the charms of a young girl, his landlord's daughter in Paris, and married her privately. This imprudence lessened him in Lord Halifax's esteem; and, though he had shown himself to be very capable of his trust of commissary in France, as well as very faithful in the discharge of it, yet, as he failed of success, which, more frequently than real merit, entitles to reward, his private fortune was much hurt by his employment. The rumour of his marriage came to New England before his arrival, and some who were not well affected to him, were ready enough to insinuate that his French connexions might induce him to favour the French cause, but his conduct evinced the contrary. He pronounced an accommodation desperate, that the sword must settle the controversy, and that it ought to be done without delay, otherwise the French would make themselves too strong for all the force the English could bring against them."†

The period of the French war of 1756—1763, the confines of which we now approach, will require a separate notice, after the history of the remaining colonies has been brought down to the same date. As it implicated the whole of the British settlements in North America, and promoted those ideas of federative union, which were subsequently attended with such important results, a combined view of the operations of the war will be preferable to allotting a share of its history to each of the colonies.

It may be imagined by some of our readers, that we have been unduly severe on the errors of the noble-minded founders of the greatest republican empire the world has yet witnessed; but we cannot plead guilty to such a charge. These errors, it is true, have been fully exposed; but, great as they are, the characters of which they form but the exceptions can well stand the shock their development excites. The faults of great and good men should, after the highest model of historical writing, be faithfully narrated. Their record is essential to prevent the mind, while it gives due weight to the example and opinions of past ages, from receiving its chief impulse from a source still impregnated with impure infusions; and to open a channel for the mighty tide of reason and of truth, whose waters purify as they carry forward the mass of example. Were the defects of the heroes of New England, however, far greater, and their virtues far less, they would yet throw into the shade of merited oblivion the characters of their defamers, either of the past or of the present age.

* Hutchinson, p. 8, 9.

† Hutchinson p. 15, 16.

CHAPTER IV.

NEW HAMPSHIRE AND MAINE.*

THE history of the colony of Massachusetts is, to a considerable extent, that of all the New England colonies; but still it is requisite to give each of the states a distinct, though a more brief, notice. The first attempts at colonizing that part of North America, now designated as the states of New Hampshire and Maine, are to be traced to the zeal of Sir Ferdinando Gorges, one of the earliest and most persevering of those who undertook to people with civilized inhabitants the transatlantic wilds. Having obtained a grant from the chartered company of Plymouth, already so frequently referred to, in conjunction with some other principal members of the company, among whom was Sir John Popham, lord chief justice of the court of King's Bench, with other persons of influence, he despatched two vessels to explore their newly acquired territory. One of these was seized by the Spaniards; but the safe return and favourable report of the other encouraged the adventurers to prosecute their undertaking. A colony was therefore organized, consisting of George Popham, as president, Raleigh Gilbert, as admiral, and six inferior officers, with about one hundred private individuals; the imagination of the projectors having sketched the outlines of a large and flourishing state. They selected a small island at the mouth of the river Kennebeck for their place of residence, induced by the commodiousness of its situation as a port for fishermen. Arriving towards the close of the year, they were barely enabled to build and fortify a store-house before the cold became intense; and they were afterwards distressed by a rapid succession of unforeseen hardships. Having emigrated in the expectation of enjoying a perpetual spring, their disappointment, when exposed to the premature and unusual severity of a northern winter, may be readily conceived. The loss of their store-house by fire, and the death of their president, had already depressed their courage, when tidings arrived of the death of Sir John Popham, who was the very soul of the expedition. Gilbert also returned to England in the spring, having succeeded to a rich inheritance by the death of his brother, Sir John Gilbert. The resolution of the adventurers seems to have sunk under these accumulated misfortunes, for the settle-

ment was soon afterwards abandoned in despair. The disappointed colonists seemed anxious to hide their disgrace by invectives against the cold and sterile regions which they had forsaken; and they were so far successful, that the company of Plymouth never made another effort of equal magnitude with the expedition to Sagadahoc. Many attempts were made by Sir Ferdinando Gorges, individually, to establish colonies in North Virginia, with a perseverance worthy of better fortune than it obtained; for, after spending a large portion of his life and estate in these attempts, and involving himself in several vexatious suits, the whole issue of his exertions was the establishment of an inconsiderable settlement in Maine.

It was in the year 1623, that Sir Ferdinando Gorges, John Mason,† and others, having obtained of the Plymouth or New England company grants of several tracts of land, lying north of Massachusetts, sent from England, a few persons to begin a settlement. Part landed, and for a short time remained at Little Harbour, on the west side of Piscataqua river, and near its mouth, where they erected the first house, calling it Mason Hall; the remainder, proceeding higher up the river, settled at Cocheco, afterwards called Dover. Fishing and trade being the principal objects of these emigrants, their settlements increased slowly.

In 1635, a fresh distribution of territory was made by the Plymouth Company, when they obtained a grant of land, lying along the coast from Naumkeag river, near the northern boundary of Massachusetts, to the river Piscataqua, extending sixty miles into the country from their sources; and the region, thus conveyed, was for the first time called New Hampshire. As no more ancient patents stood in the way of the present, and as length of occupancy formed no bar, Mason acquired that kind of right to the soil which the law of England considered as valid; but it gave him none of the powers of government. He sent agents to dispose of his lands, and to take general care of his interests; but he soon after died, leaving it to others to enjoy his rights, and to exercise his powers. At the same period, the company made a grant of a still larger territory, extending from the northern limits of New Hampshire, north-eastward, to the river Kennebeck, and from them sixty miles into the country, to Sir Ferdinando Gorges, in abso-

river Merrimack; and up each of those rivers to the farthest head of them, then to cross over from the head of the one to the head of the other, with all the islands lying within three miles of the coast. This district was called Mariana."—Belknap's New Hampshire, vol. i. c. 1.

* Although the Maine was not constituted a state till subsequently to the declaration of independence, its early history is so connected with that of New Hampshire, that it is deemed desirable to unite them in this chapter.

† "John Mason procured from the council of Plymouth a grant of all the land from the river of Naumkeag round Cape Ann to the

lute property, with such powers of jurisdiction as the grantors possessed. The same year he despatched William Gorges, his nephew, to govern that territory, then called Somersetshire, who ruled, for some years, a few traders and fishers with a good sense equal to the importance of the trust. But, whether Gorges distrusted his own powers, or was actuated by the prudent caution which experience inspires, he obtained from the favour of his prince a patent of confirmation, in April, 1639. His limits were now extended to one hundred miles from the rivers south-westward into the desert. This immense region was denominated Maine; and he was invested with all the royal rights of a count-palatine, with a reference to the powers formerly exercised by the bishop of Durham. Animated by these attentions, and invested with these powers, he established a civil government within his province in the subsequent year. This constitution was, however, merely executive, without any of the powers of legislation; nor was an assembly in which the people were represented, either mentioned or alluded to. He did not even offer liberal terms on which men might purchase and enjoy his lands, though this had been at all times proposed as the best means to promote settlement and augment population. The province consequently languished for years in hopeless feebleness.

The persecuting policy of the Massachusetts colony peopled this country, when money and persuasion had been tried in vain. It has already been stated, that among those who were expelled from the jurisdiction of Massachusetts, at the time of the dissensions occasioned by opposition to the spread of antinomian sentiments at Boston, was the Rev. John Wheelwright. Previously to the date of Mason's patent, he had purchased the land of the Indians, and laid the foundation of Exeter. In the year 1630, thirty-five persons residing in that town combined and established civil government; and within a year or two afterwards, the inhabitants of Dover and Portsmouth followed their example, each town remaining distinct and independent.

These towns did not long remain in this dissociated state. There appears, indeed, to have been some difference of opinion, but the majority were for an incorporation with the colony of Massachusetts; and, accordingly, the general court, in October, 1641, passed an ordinance, declaring that the people inhabiting on the river Piscataqua shall henceforth be reputed under its power, as are already the other inhabitants; that they shall have the same order for the administration of justice; that they shall be exempted from all public charges, except such as shall

arise among themselves, or shall be for their own benefit; that they shall be allowed the same liberties of fishing, of planting, and of felling timber, as formerly; and that they shall be allowed to send two deputies to the court at Boston. Thus New Hampshire, at the end of six years only, ceased to be a separate province. The general court, having in this manner conferred on its neighbours the greatest of blessings, general protection, and a regular administration of justice, turned its next cares to their future welfare. It sent them several ministers, Moody, Cotton, Reyner, and others, by whose care and diligence, as we are assured, the people were very much civilized and reformed; but Wheelwright and his followers, who had formerly sought an asylum in the desert from the persecutions of their enemies, fled across the Piscataqua into the province of Maine, because, in the present change, they feared future injuries. This union proved perplexing to the proprietary, and ultimately embarrassing to the councils of the parent state. It was in vain for Mason, who now acted as agent for his kinsmen, to protest against the daily encroachments on their lands; and it was to no purpose he petitioned the general court. It had been stipulated as the groundwork on which was established the subjection of New Hampshire, that the views of their opponents should be countenanced, and the assumed rights of the proprietors consequently depressed. Being now freed from the weighty cares of government; being protected from the attacks of their Indian enemies, and from their internal dissensions, the people of New Hampshire, during the space of forty years, enjoyed the advantages and blessings of a regular administration, and engaged successfully in all the pursuits that naturally tend to promote the prosperity, wealth, and greatness of nations. In the year 1652, the inhabitants of Gorges' territories of the Maine also were induced to submit themselves to the government of Massachusetts.

Having contended with the general court upwards of fourteen years to no purpose, Gorges and Mason made a tender of their claims to Charles II., who favourably received proposals which promised future advantages to his family, for he had entertained the design of forming New Hampshire and Maine into an establishment for the duke of Monmouth, the most beloved of all his sons. The general court, relying on its own construction of its patent, though it explained by its agents its conduct and pretensions, declined long either to give up possession, or to appoint deputies to defend its proceedings. The monarch was wearied with continued solicitation; and the committee of plantations at length determined to

propose to the Massachusetts government, either to receive commissioners authorized to decide amicably the claims of all, or to send agents to answer before the king in council: adding, what was probably decisive, "that, should it still prove refractory, notwithstanding the equity of this overture, every means would be used to interrupt the trade of the colony, which, by the acts of trade, may be given it." After sixteen years, in which the whole energy of government had been exerted, the general court sent agents to England, who were empowered to consent to the final settlement of claims which had at last become serious. When the disputants appeared before Rainsford and North, the two chief justices to whom this controversy was referred, the agents at once disclaimed pretensions which had been so long defended with the greatest ability as sacred, because their counsel informed them that they could not possibly be defended before such judges.* The limits of Massachusetts were restrained to the literal expression of its charter, and its jurisdiction within the boundaries of the soil; and the province of Maine was adjudged to Gorges, with such right of government as had been granted by the patent under which he claimed.

Long had Charles II. been in treaty with the proprietors of New Hampshire and Maine; but his poverty, which was well known in New England, the wars that happened in the mean time, the intrigues of his adversaries, and the high expectations of the owners, all prevented the completion of a business which might have proved so advantageous both to prince and people. For years had the friends of Massachusetts warned her of the danger of suffering such claims to exist; and ultimately, the agents prudently purchased what had been so long disputed. The general court applied now, with an ability equal to the prudence with which it had made the acquisition, to derive some advantage from what had cost so much money and vexation. As proprietary, it appointed the deputy governor president of Maine, it named officers, it established various judicatories, and justice was administered in the mode prescribed by the patent of Gorges. No assembly, of which the representatives of the people composed a constituent part, was allowed, because none had been mentioned in the original grant; a measure by no means satisfactory to the inhabitants, who were thereby deprived of their rights as citizens.

When the decision respecting Maine was confirmed by Charles II., the province of New Hampshire was left without a regular government. It was de-

termined, therefore, that New Hampshire should be constituted a separate province, to be ruled by a president and council to be appointed by the king, and a house of representatives to be chosen by the people. The first assembly, consisting of eleven members, met in 1680, at Portsmouth. At this session, a code of laws was adopted, of which the first, in a style worthy of freemen, declared "that no act, imposition, law, or ordinance, should be imposed upon the inhabitants of the province, but such as should be made by the assembly, and approved by the president and council."

Mason, who had been appointed a member of the council, arrived during the year in the colony. He assumed the title of lord proprietor, claimed the soil as his property, and threatened to prosecute all who would not take from him leases of the land they occupied. His pretensions were resisted by most of the inhabitants, who claimed the fee-simple of the soil by what they deemed a more righteous, if not a more legal title. The peace of the colony was long disturbed by these conflicting claims. At the head of those who contended with Mason, stood Major Waldron, of Dover. Against him and many others suits were instituted. No defence being made, judgments were obtained; but so general was the hostility to Mason, that he never dared attempt to enforce them. After Sir Edward Andros was deposed, the inhabitants of New Hampshire desired to be re-incorporated with Massachusetts; their request being opposed by Samuel Allen, who had purchased Mason's title, it was refused, and Allen himself made governor of the colony. Under his administration, the disputes occasioned by adverse claims to land continued to rage with increased violence. Other suits were instituted, and judgments obtained; but the sheriff was forcibly resisted by a powerful combination, whenever he attempted to put the plaintiff in possession.

From Indian hostilities, this colony suffered more severely than her neighbours. The surprise of Dover, in 1689, was effected with the most shocking barbarity; though the natives having been ill-treated by one of the principal inhabitants may account for, if not palliate, their ferocious revenge. Having determined upon their plan of attack, the Indians employed their usual art to lull the suspicions of the inhabitants. So civil and respectful was their behaviour, that they occasionally obtained permission to sleep in the fortified houses in the town. On the evening of the fatal night, they assembled in the neighbourhood, and sent their women to apply for lodgings at the houses devoted to destruction. When all was quiet, the doors were opened, and the signal given.

The Indians rushed into Waldron's house, and hastened to his apartment. Awakened by the noise, he seized his sword, and drove them back, but when returning for his other arms was stunned with a hatchet, and fell. They then dragged him into his hall, seated him in an elbow chair upon a long table, and insultingly asked him, "Who shall judge Indians now?" After feasting upon provisions, which they compelled the rest of the family to procure, each one with his knife cut gashes across his breast, saying, "I cross out my account." When weakened with the loss of blood, he was about to fall from the table, his own sword was held under him, which put an end to his tortures. At other houses, similar acts of cruelty were perpetrated; in the whole, twenty-three persons were killed, and twenty-nine carried prisoners to Canada, who were mostly sold to the French. Many houses were burned, and much property was plundered; but so expeditious were the Indians, that they had fled beyond reach before the neighbouring people could be collected. The war thus commenced, was not easily terminated. The French, by giving premiums for scalps, and by purchasing the English prisoners, animated the Indians to exert all their activity and address, and the frontier inhabitants endured the most aggravated sufferings. The peace of Ryswick, in 1697, closed the distressing scene till 1703, when another war began, which continued ten years.

During the year 1719, above one hundred families, mostly presbyterians, emigrated from the north of Ireland, and settled in the town of Londonderry.* They introduced the foot spinning wheel, the manu-

facture of linen, and the culture of potatoes. They were industrious, hardy, and useful citizens.

A few years only transpired before the inhabitants again suffered the afflictions of an Indian war. Following the example of the French, the government offered premiums for scalps, which induced several volunteer companies to undertake expeditions against the enemy. One of these, commanded by Captain Lovewell, was greatly distinguished. In May, 1725, with thirty-four men, he fought a famous Indian chief, named Paugus, at the head of about eighty savages, near the shores of a pond in Pequackett. Lovewell's men were determined either to conquer or die, although outnumbered by the Indians more than twice. They fought till Lovewell and Paugus were killed, and all Lovewell's men but nine were either killed or dangerously wounded. The savages having lost, as was supposed, sixty of their number out of eighty, and being convinced of the fierce and determined resolution of their foes, at length retreated, and left them masters of the ground. The scene of this desperate and bloody action, which took place in the town that is now called Fryeburgh, is often visited with interest to this day, and the names both of those who fell, and those who survived, are yet repeated with exultation.†

After the lapse of a considerable period from the transfer from Mason to Allen, it was discovered that the conveyance was so defective as to be void. In 1746, John Tufton Mason, a descendant of the original grantee, claiming the lands possessed by his ancestors, conveyed them, for fifteen hundred pounds, to twelve persons, subsequently called the Masonian

* "The settlement was at first called Nutfield; but it was incorporated, in 1722, by the name of Londonderry. Mr. James Macgregore was their first minister. He continued with them until his death; and his memory is still precious among them. He was a wise, affectionate, and faithful guide to them, both in civil and religious concerns."—Belknap's New Hampshire, vol. ii. p. 36—39.

† "John Lovewell, a captain in the militia of Massachusetts, the hero of Pigwackett, was the son of Zaccheus L., who was an ensign in the army of O. Cromwell, and who settled at Dunstable, and died there, aged 120, being the oldest person who ever died in New Hampshire. Zaccheus had three sons, Zaccheus, a colonel in the French war of 1759; Jonathan, a preacher, representative, and judge; and the subject of this article. In the Indian wars a large bounty being offered for scalps, Capt. Lovewell, at the head of a volunteer company of thirty men, marched to the north of Winipiseogee lake, and killed an Indian, and took a boy prisoner, Dec. 19, 1724. Having obtained his reward at Boston, he augmented his company to seventy, and marched to the same place. There dismissing thirty men for the want of provisions, he proceeded with forty men to a pond in Wakefield, now called Lovewell's pond, where he discovered ten Indians asleep by a fire; they were on their march from Canada to the frontiers. He killed them all, Feb. 20, 1725, and with savage triumph entered Dover with their scalps hooped and elevated on poles, for each of which one hundred pounds was paid out of the public treasury at Boston. He marched a third time with forty-six men. Leaving a few men

at a fort, which he built at Ossapy pond, he proceeded with thirty-four men to the north end of a pond in Pigwackett, now Fryeburg, in Maine, and there a severe action was fought with a party of forty-two Indians, commanded by Paugus and Wahwa, May 8, 1725. At the first fire, Lovewell and eight of his men were killed; the remainder retreated a short distance to a favourable position, and defended themselves. With the pond in their rear, the mouth of an unfordable brook on their right, a rocky point on their left, and having also the shelter of some large pine trees, they fought bravely from ten o'clock till evening, when the Indians,—who had lost their leader, Paugus, killed by Mr. Chamberlain,—retired, and fled from Pigwackett. Ensign Robbins and two others were mortally wounded; these were necessarily left behind to die. Eleven, wounded but able to march, and nine, unhurt, at the rising of the moon, quitted the fatal spot. Jonathan Frye, the chaplain, Lieut. Farwell, and another man, died in the woods, in consequence of their wounds. The others, with the widows and children of the slain, received a grant of Lovewell's town, or Suncook, now Pembroke, N. H., in 1728, in recompense of their sufferings. The bodies of twelve were afterwards found by Col. Tyng, and buried. Capt. Lovewell had two sons; John died in Dunstable, and Colonel Nehemiah in Corinth, Vermont. His daughter married Captain Joseph Baker, of Pembroke. The last of his company, Thomas Ainsworth, died at Brookfield, January, 1794, aged 85."—Allen's Biography.

proprietors; who, to silence opposition, relinquished all title to the lands already occupied, and also granted townships on the most liberal terms. Reserving certain portions of the land for themselves, for ministers, and for schools, they required merely that the grantees should, within a limited time, erect mills and meeting-houses, clear and construct roads, and settle ministers. In the course of time, nearly all the Masonian lands, being about one fourth of the whole, were in this manner granted; and contentions ceased to disturb the repose, or impede the prosperity of the colony.

CHAPTER V.

CONNECTICUT.

It appears incontrovertibly established, that the Dutch effected the first settlements on the river Connecticut; and it seems impossible to account, on any just principles, for their being regarded as intruders by the English settlers. They had made the first discovery of Hudson's river, and had established themselves upon its banks. They had obtained a patent from their government, who had as good a right to grant lands discovered by their subjects, as any other state. This patent included the lands on Connecticut river, which was discovered by them before it was known by the English to exist, and before the grant of the New England patent. After trading with the Indians for several years, they purchased of them a tract of land, and built upon it a fort and trading house, before the country had been taken possession of by the English; and the people from the Plymouth and Massachusetts colonies, when they attempted to drive them from it, came without a shadow of title from the Plymouth company, under whom they professed to claim.*

The Connecticut colony consisted of people who first emigrated from England to Massachusetts, and,

in the years 1630 and 1632, settled and formed themselves into churches at Dorchester, Watertown, and Cambridge, where they resided several years. But either because the number of emigrants to Massachusetts did not allow them all such a choice as they wished of good lands, or because some jealousies had arisen between their pastors and leaders; and the leading men of the colony, they took the resolution of seating themselves again in the wilderness; and in the years 1635 and 1636 they removed their families to Windsor, Weathersfield, and Hartford, on the Connecticut river.

Having made some preparation in the course of the summer for their winter's accommodation, to the number of about sixty, men, women, and children, set out on foot, about the middle of October, from Boston to Connecticut, through the pathless wilderness, accompanied by their cattle, swine, and other property. After a long and tedious journey through a continued forest, and over rivers and mountains, they reached their place of destination very late in the season. "The winter set in this year much sooner than usual, and the weather was stormy and severe. By the 15th of November, Connecticut river was frozen over, and the snow was so deep, and the season so tempestuous, that a considerable number of the cattle, which had been driven on from Massachusetts, could not be brought across the river. The people had so little time to prepare their huts and houses, and to erect sheds and shelters for their cattle, that the sufferings of man and beast were extreme. Indeed, the hardships and distresses of the first planters of Connecticut scarcely admit of a description. To carry much provision or furniture through a pathless wilderness was impracticable. Their principal provisions and household furniture were therefore put on board several small vessels, which, by reason of delays and the tempestuousness of the season, were either cast away, or did not arrive. Several vessels were wrecked on the coasts of New England by the violence of the storms. Two shallops, laden with

* Governor Bradford gives the following account of this transaction, which confirms the Dutch claim of previous purchase and possession. "But the Dutch begin now to repent," viz. of their invitation to the English—"and hearing of our purpose and preparation, endeavour to prevent us, get in a little before us, make a slight fort, and plant two pieces of ordnance, threatening to stop our passage. But we having a great new bark and a frame of a house, with boards, nails, &c., ready, that we might have defence against the Indians, who are much offended that we bring home and restore the right sachems of the place called Watawanute, so as we are to encounter a double danger in this attempt, both the Dutch and Indians. When we come up the river, the Dutch demand what we intend, and whither we would go? We answer, Up the river to trade. Now our order was to go and seat above them. They bid us strike and stay, or they would shoot us; and stood by their ordnance ready fitted. We answer, We have a commission from the

governor of Plymouth to go up the river to such a place; and if they shoot us, we must obey our order and proceed; we would not molest them, but go on. So we pass along, and the Dutch threaten us hard, yet they shoot not. Coming to our place, about a mile above the Dutch, we quickly clap up our house, land our provisions, leave the company appointed, send the bark home, and afterwards palisade our house about, and fortify better. The Dutch send word home to the Monhatos what was done; and, in process of time, they send a band of about seventy men, in warlike manner, with colours displayed, to assault us; but seeing us strengthened, and it would cost blood, they come to a parley, and return in peace. And this was our entrance there. We did the Dutch no wrong, for we took not a foot of any land they bought, but went to the place above them, and bought that tract of land which belonged to the Indians we carried with us, and our friends, with whom the Dutch had nothing to do."—*North American Review*, vol. viii. p. 84, 85.

goods from Boston to Connecticut, in October, were cast away on Brown's Island, near the Gurnet's nose; and the men, with every thing on board, were lost. A vessel, with six of the Connecticut people on board, which sailed from the river for Boston, early in November, was, about the middle of the month, cast away in Manamet Bay. The men got on shore, and after wandering ten days in deep snow and a severe season, without meeting with any human being, arrived, nearly spent with cold and fatigue, at New Plymouth. By the last of November, or beginning of December, provision generally failed in the settlements on the river, and famine and death looked the inhabitants sternly in the face. Some of them, driven by hunger, attempted their way, in this severe season, through the wilderness, from Connecticut to Massachusetts. Of thirteen in one company who made this attempt, one, in passing the river, fell through the ice, and was drowned. The other twelve were ten days on their journey, and would all have perished, had it not been for the assistance of the Indians. Indeed, such was the distress in general, that, by the 3d and 4th of December, a considerable part of the new settlers were obliged to abandon their habitations. Sixty persons, men, women, and children, were necessitated, in the extremity of winter, to go down to the mouth of the river to meet their provisions, as the only expedient to preserve their lives. Not meeting with the vessels which they expected, they all went on board the *Rebecca*, a vessel of about sixty tons. This, two days before, was frozen in twenty miles up the river; but, by the falling of a small rain, and the influence of the tide, the ice became so broken, and was so far removed, that she made a shift to get out. She ran, however, upon the bar, and the people were forced to unlade her to get her off. She was reladen, and in five days reached Boston. Had it not been for these providential circumstances, the people must have perished with famine. The people who kept their stations on the river, suffered in an extreme degree. After all the help they were able to obtain by hunting, and from the Indians, they were obliged to subsist on acorns, malt, and grains.*

In the following spring, those who had made their escape from Connecticut returned, and they were joined by the rest of those who had determined to make a part of the new colony. About the beginning of June, Mr. Hooker, Mr. Stone, and about a hundred men, women, and children, took their departure from Cambridge, and travelled more than a hundred miles

through a hideous and trackless wilderness to Hartford. They had no guide but their compass, and made their way over mountains, through swamps, thickets, and rivers, which were not passable but with great difficulty. They had no cover but the heavens, nor any lodgings but those which simple nature afforded them. They drove with them one hundred and sixty head of cattle, and by the way subsisted on the milk of their cows. Mrs. Hooker was borne through the wilderness upon a litter. The people generally carried their packs, arms, and some utensils. They were nearly a fortnight on their journey. This adventure was the more remarkable, as many of this company were persons of rank, who had lived in England in honour, affluence, and delicacy, and were entire strangers to fatigue and danger.†

From the commencement of the Connecticut colony, the natives discovered a hostile disposition. Their principal enemy was the Pequods, the most numerous and warlike nation within the limits of the state, and perhaps in New England. They inhabited the country which environs the towns of New London, Groton, and Stonington. Sassacus, the great prince of the Pequods, had under him six and twenty sachems, and could bring into the field seven hundred or a thousand warriors, who had been long accustomed to victory. The royal residence was at a large fort situated on a beautiful eminence in the town of Groton, which commands an extensive prospect of the sea and of the surrounding country. There was also another fortress, called Mystic fort, situated in the town of Stonington. After suffering repeated injuries, and the murder of about thirty of their people, principally by the Pequods, the general court, which had been convened for the purpose, resolved on active hostilities, and immediately raised an army of ninety men, half the effective force of the colony. These were to be joined by two hundred men from Massachusetts, and forty from Plymouth. The court which declared war was holden on the 1st of May; the men were raised and embarked on the river, under the command of Captain Mason, on the 10th; and, after being wind-bound several days, sailed from the mouth of the river for Narraganset bay on the 19th. They were accompanied by sixty Moheagan and River Indians, under Uncas, a Moheagan sachem. On reaching Narraganset bay, they landed to the number of seventy-seven English men, marched into the country of the Narragansets, and communicated their design to Miantonomoh, the

* Trumbull's History of Connecticut, p. 62.

† Trumbull's History of Connecticut, p. 64.

sachem of the country, who offered to join them. Information was here received that Captain Patrick had reached Providence, with a company of Massachusetts troops, but it was resolved not to wait for this reinforcement. On the next day, they marched twenty miles through the west part of Rhode Island, and reached Niantick, which bordered on the Pe-

* "In the morning, a considerable number of Miantonimoh's men came out and joined the English. This encouraged many of the Nianticks also to join them. They soon formed a circle, and made protestations how gallantly they would fight, and what numbers they would kill. When the army marched the next morning, the captain had with him nearly five hundred Indians. He marched twelve miles, to the ford in Pawcatuck river. The day was very hot, and the men, through the great heat, and a scarcity of provision, began to faint. The army, therefore, made a considerable halt, and refreshed themselves. Here the Narraganset Indians began to manifest their dread of the Pequods, and to inquire of Captain Mason, with great anxiety, what were his real intentions. He assured them, that it was his design to attack the Pequods in their forts. At this they appeared to be panic struck, and filled with amazement. Many of them drew off, and returned to Narraganset. The army marched on about three miles, and came to Indian cornfields; and the captain, imagining that he drew near the enemy, made a halt; he called his guides and council, and demanded of the Indians how far it was to the forts. They represented that it was twelve miles to Sassacus's fort, and that both forts were in a manner impregnable. Wequash, a Pequot captain, or petty sachem, who had revolted from Sassacus to the Narragansets, was the principal guide, and he proved faithful. He gave such information respecting the distance of the forts from each other, and the distance which they were then at from the chief sachems, as determined him and his officers to alter the resolution which they had before adopted, of attacking them both at once, and to make a united attack upon that at Mystic. He found his men so fatigued in marching through a pathless wilderness with their provisions, arms, and ammunition, and so affected with the heat, that this resolution appeared to be absolutely necessary. One of Captain Underhill's men became lame at the same time, and began to fail. The army, therefore, proceeded directly to Mystic, and continuing their march, came to a small swamp between two hills, just at the disappearing of the day-light. The officers supposing that they were now near the fort, pitched their little camp between or near two large rocks, in Groton, since called Porter's rocks. The men were faint and weary, and though the rocks were their pillows, their rest was sweet. The guards and sentinels were considerably advanced in front of the army, and heard the enemy singing at the fort, who continued their rejoicings even until midnight. They had seen the vessels pass the harbour some days before, and had concluded that the English were afraid, and had no courage to attack them. They were therefore rejoicing, singing, dancing, insulting them, and wearying themselves, on this account. The night was serene, and, towards morning, the moon shone clear. The important crisis was now come, when the very existence of Connecticut, under Providence, was to be determined by the sword in a single action, and to be decided by the good conduct of less than eighty brave men. The Indians who remained were now sorely dismayed, and though at first they had led the van, and boasted of great feats, yet were now all fallen back in the rear. About two hours before day, the men were roused with all expedition, and, briefly commending themselves and their cause to God, advanced immediately towards the fort. After a march of about two miles, they came to the foot of a large hill, where a fine country opened before them. The captain, supposing that the fort could not be far distant, sent for the Indians in the rear to come up. Uncas and Wequash at length appeared. He demanded of them where the fort was. They answered, on the top of the hill. He demanded of them where were the other Indians. They answered, that they were much afraid. The captain sent to them not to fly, but to surround the fort at any distance they pleased, and see

quods' country.* The army wheeled directly to Mystic fort, which was immediately attacked; the contest, though tremendously severe, terminated in favour of the English, and in the destruction of the Indians. Although this victory was complete, the situation of the army was extremely dangerous and distressing. Several were killed, and one fourth of

whether Englishmen would fight. The day was nearly dawning, and no time was now to be lost. The men pressed on in two divisions, Captain Mason to the north-eastern, and Captain Underhill to the western entrance. As the object which they had been so long seeking came into view, and while they reflected they were to fight not only for themselves, but their parents, wives, children, and the whole colony, the martial spirit kindled in their bosoms, and they were wonderfully animated and assisted. As Captain Mason advanced within a rod or two of the fort, a dog barked, and an Indian roared out, 'Owanux! Owanux!' That is, Englishmen! Englishmen! The troops pressed on, and, as the Indians were rallying, poured in upon them, through the palisades, a general discharge of their muskets, and then wheeling off to the principal entrance, entered the fort sword in hand. Notwithstanding the suddenness of the attack, and the blaze and thunder of the arms, the enemy made a manly and desperate resistance. Captain Mason and his party drove the Indians in the main street towards the west part of the fort, where some bold men, who had forced their way, met them, and made such slaughter among them, that the street was soon clear of the enemy. They secreted themselves in and behind their wigwams, and taking advantage of every covert, maintained an obstinate defence. The captain and his men entered the wigwams, where they were beset with many Indians, who took every advantage to shoot them, and lay hands upon them, so that it was with great difficulty that they could defend themselves with their swords. After a severe conflict, in which many of the Indians were slain, some of the English killed, and others sorely wounded, the victory still hung in suspense. The captain, finding himself much exhausted, and out of breath, as well as his men, by the extraordinary exertions which they had made in this critical state of action, had recourse to a successful expedient. He cries out to his men, 'We must burn them.' He immediately, entering a wigwam, took fire and put it into the mats with which the wigwams were covered. The fire instantly kindling, spread with such violence, that all the Indian houses were soon wrapped in one general flame. As the fire increased, the English retired without the fort, and compassed it on every side. Uncas and his Indians, with such of the Narragansets as yet remained, took courage, from the example of the English, and formed another circle in the rear of them. The enemy were now seized with astonishment; and, forced by the flames from their lurking places into open light, became a fair mark for the English soldiers. Some climbed the palisades, and were instantly brought down by the fire of the English muskets. Others, desperately sallying forth from their burning cells, were shot, or cut in pieces with the sword. Such terror fell upon them, that they would run back from the English into the very flames. Great numbers perished in the conflagration. The greatness and violence of the fire, the reflection of the light, the flashing and roar of the arms, the shrieks and yellings of the men, women, and children, in the fort, and the shoutings of the Indians without, just at the dawning of the morning, exhibited a grand and awful scene. In little more than an hour, this whole work of destruction was finished. Seventy wigwams were burnt, and five or six hundred Indians perished, either by the sword, or in the flames. A hundred and fifty warriors had been sent on the evening before, who, that very morning, were to have gone forth against the English. Of these, and all who belonged to the fort, seven only escaped, and seven were made prisoners. It had been previously concluded not to burn the fort, but to destroy the enemy, and take the plunder; but the captain afterwards found it the only expedient to obtain the victory, and save his men. Thus parents and children, the sannup and squaw, the old man and the babe, perished in promiscuous ruin."—Trumbull's History of Connecticut, vol. i. p. 83—86

their number were wounded; the remainder were exhausted with fatigue, and destitute of provisions; they were in the midst of an enemy's country, many miles from their vessels, and their ammunition was nearly exhausted; they were but a few miles distant from the principal fortress of their foe, where there was a fresh army, which they knew would be exasperated in the highest degree on learning the fate of their brethren. In the midst of their perplexity, while they were consulting on the course to be pursued, their vessels appeared in sight, steering with a fair wind directly into the harbour. The army was received on board with great mutual joy and congratulation.

The troops employed on this successful expedition reached their homes before the expiration of a month from the day that the war was resolved upon. The Pequods, on the departure of Captain Mason, burnt their wigwams, destroyed their principal fort, and scattered themselves throughout the country. Sassacus, with a party of his chief warriors, abandoned his country, and moved by slow marches towards the Hudson river. They were followed by a party of Massachusetts and Connecticut troops; and, in a great swamp in Fairfield, near the western part of Connecticut, they were overtaken, and a battle ensued. Sassacus, and about twenty of his most hardy men, escaped, and fled to the Mohawk country; but there he found no safety; he was surprised by the Mohawks, and killed, with all his party, except Mononotto,* who, after being wounded, made his escape. The Pequods who remained were divided between the Moheagans and Narragansets, and the nation became extinct.† The vigour and boldness with which this war was prosecuted on both sides, give it the air of romance. Its decisive termination, which was so fatal to one party, was productive of the most happy consequences to the other. It struck the Indians throughout New England with such a salutary terror, that they were contented, in general, to remain at peace for nearly forty years.

The summer of the year 1637 witnessed the arrival of Mr. John Davenport, a celebrated London

minister, accompanied by several eminent merchants, and other persons of respectability. The unmolested enjoyment of civil and religious liberty was the object of their emigration. Not finding in Massachusetts sufficient room for themselves, and the numerous friends whom they expected to follow them, and being informed of a large bay to the south-west of Connecticut river, commodious for trade, they applied to their friends in Connecticut to purchase for them, of the native proprietors, all the lands lying between the rivers Connecticut and Hudson; and this purchase they in part effected. In the autumn, some of the company made a journey to Connecticut to explore the lands and harbours on the coast, and pitched upon Quinnipiack for the place of their settlement. Here they erected a hut, in which a few men remained through the winter. The way being thus prepared, the rest of their company sailed from Boston for Quinnipiack in the following March; and, in about a fortnight, arrived at the desired port. On the 18th of April, they kept their first sabbath under a large spreading oak, where Mr. Davenport preached to them. They speedily entered into what they termed a plantation covenant. Determined to make an extensive settlement, these enterprising colonists paid early attention to the making of such purchases and treaties, as would give it stability. In November, they entered into an agreement with Momauguin, sachem of that part of the country, and his counselors, for the lands of Quinnipiack. Momauguin, in consideration of being protected by the English from the hostile Indians, yielded up his right and title to all the land of Quinnipiack, of which he was the sole sachem, to John Davenport, and others, their heirs and assigns, for ever; and they, in return, covenanted that they would protect him and his Indians; that they should always have a sufficient quantity of land to plant on the east side of the harbour.‡ In December, they made another purchase of a large tract, lying principally north of the other, extending eight miles east of the river Quinnipiack, and five miles west of it towards Hudson's river. Near the bay of Quinnipiack they laid out their town in

* "Among the Pequot captives were the wife and children of Mononotto. She was particularly noticed by the English for her great modesty, humanity, and good sense. She made it as her only request, that she might not be injured, either as to her offspring, or personal honour. As a requital of her kindness to the captivated maids, her life and the lives of her children, were not only spared, but they were particularly recommended to the care of Governor Winthrop. He gave charge for their protection and kind treatment."—Trumbull's History of Connecticut, vol. i. p. 92.

† "The prisoners who were taken in this war were treated by the English with great cruelty. Many of them were put to death. Several sachems were beheaded at Menunkatuch, and the spot has, from the cruel deed, been called Sachem's Head to this day.

The women and children were divided among the troops, and it is stated that 'the people of Massachusetts sent a number of the women and boys to the West Indies, and sold them for slaves.' How opposed is this treatment to the benevolent spirit that breathes in the letter of the amiable Robinson to the people of Plymouth, on learning that some of the natives had been killed, when he says, 'O, how happy a thing had it been that you had converted some before you had killed any!'—North American Review, vol. viii. p. 93.

‡ "By the way of free and grateful retribution, they gave him, his council, and company, twelve coats of English cloth, twelve alchymy spoons, twelve hatchets, twelve hoes, two dozen of knives, twelve porringers, and four cases of French knives and scissors."—Holmes's American Annals, vol. i. p. 245.

squares, on the plan of a spacious city, and called it New Haven. This town was the foundation of a flourishing colony of the same name, of which it became also the capital.*

It appears that these emigrants at first acknowledged the authority of Massachusetts; and that the general court of that colony was very reluctant to admit a separate jurisdiction.† But it being evident that the new colonists were wholly without the limits of the Massachusetts patent, they convened an assembly at Hartford, and formed a constitution of government, which was of the most popular kind, the leading objects of which were to maintain the liberty and purity of the gospel, the discipline of the churches, and the administration of the government according to the laws.‡ The people of New Haven, also, the same year, formed a constitution similar to that of the neighbouring colony, except that it was a little more strict in not admitting any but church members to the privileges of freemen. These continued to be the constitutions of the two colonies, until they were united under the new charter in 1661.

The union of the several colonies of New England has already been described, both as to its causes, its nature, and its effects on the colony of Massachusetts. It may, however, be observed, in addition to what has

already been stated, that, on the completion of the confederacy, several Indian sachems came in, and submitted to the English government, among whom were Miantonomoh, the Narraganset, and Uncas, the Moheagan chief. The union rendered the colonies formidable to the Dutch as well as the Indians, and respectable in the view of the French; it also maintained general harmony among themselves, and secured the peace and rights of the country.

The Connecticut and New Haven people had been engaged in the most vexatious and irritating quarrels with the Dutch, from the first settlement of their colonies, the effect of which had been to excite them to a state of the most bitter hostility. In the mean time, the English parliament declared war against the United Provinces, and several obstinate naval battles were fought in the British channel; thus opening the way for hostilities between the infant colonies of the two countries on this continent, if they were so disposed. On the 19th of May, 1653, a special meeting of the commissioners of the United Colonies was holden at Boston, in consequence of a rumour, that a plot had been formed between the Dutch at New Netherlands, and the Indians in all quarters of the country, to cut off, by a general massacre, the whole English population of New England.

* Hubbard, c. 42. Mather, Magnal. b. i. p. 25. Trumbull, vol. i. c. 6. p. 95—100. Hutchinson, vol. i. p. 83. Chalmers, b. i. p. 290. "The last mentioned tract, bought in December, was purchased of Montowese, son of the great sachem at Mattabeseck, and was ten miles in length, north and south, and thirteen miles in breadth. It included all the lands within the ancient limits of the old towns of New Haven, Branford, and Wallingford, and almost the whole within the limits of those towns, and of the more modern towns of East Haven, Woodbridge, Cheshire, Hamden, and North Haven. For this tract the English gave thirteen coats, and allowed the natives ground to plant, and liberty to hunt within the lands. P. Stiles' MSS. and Dr. Trumbull, from New Haven Records."—Holmes's American Annals, vol. i. p. 245.

† "The annals of colonization, ancient or modern, can scarcely show the commencement of a settlement so extremely faulty as that of Connecticut. The territory, of which they thus took possession, was not only already occupied by the Dutch, but had been granted sixteen years before to the Plymouth company. The whole coast of New England was, not long after, divided into twelve different parts; and, in the presence of James I., allotted to so many distinct members of that body. And in April, 1635, that portion of it was assuredly granted to James, marquis of Hamilton, as his share, which stretches from the river Connecticut, eastward, to the Narraganset bay; and, from its source, one hundred miles into the continent. That part of it which extends from Connecticut to Hudson's river was probably conveyed to the earl of Stirling as his proportion; and since the patent was now surrendered, as we have seen, into the royal hands, the powers of government, which had been formerly given in trust to that famous corporation, again reverted to the crown. The emigrants before-mentioned can be considered in no other light, therefore, than as mere intruders on the rights of others. The jurisdiction supposed to be invested in English nobles was undoubtedly groundless; and it is unnecessary to mention those governmental acts of Massachusetts which proceeded from acknowledged usurpation."—Chalmers, b. i. chap. xii. p. 288, 289.

‡ "The preamble states, that they, the inhabitants and residents

of those towns, well knowing, that, where a people are gathered together, the Word of God requireth, that, to maintain the peace and union of such a people, there should be an orderly and decent government established, according to God, to order and dispose of the affairs of the people at all seasons, as occasion should require, do therefore associate and conjoin themselves to be as one public state or commonwealth. The constitution provided, that there should be annually two general courts or assemblies, one on the second Thursday of April, and the other, on the second Thursday of September; that at the first, called the court of election, there should be annually chosen a governor and six magistrates, who, being sworn according to an oath recorded for that purpose, should have power to administer justice according to the laws here established, and, in defect of a law, according to the rule of the word of God; and that as many other officers and magistrates might be chosen, as should be found requisite; that all should have the right of election who were admitted freemen, had taken the oath of fidelity, and lived within this jurisdiction, having been admitted inhabitants by the town where they live; and that no person might be chosen governor more than once in two years. The towns of Hartford, Windsor, and Wethersfield were severally authorized to send four of their freemen, as their deputies, to every general court; and it was provided, that such other towns, as should afterwards be formed and admitted into the body politic, should send as many as the court, upon the principle of apportioning the number of deputies to the number of freemen, should judge meet. In this body was vested the supreme power of the commonwealth, executive, legislative, and judicial. This constitution has been thought to be one of the most free and happy constitutions of civil government ever formed. Its formation, at a period when the light of liberty was extinguished in most parts of the earth, and the rights of men were, in others, so little understood, does great honour to the colonists by whom it was framed. It continued, with little alteration, to our own day; and the liberty, peace, and prosperity, which it secured to the people of Connecticut for nearly two centuries, are seldom, if ever, found in the history of nations."—Holmes's American Annals, vol. i. p. 251.

The rumour of this plot was derived from the Indians, and it was supposed to be corroborated by various circumstances. It was also reported, that the northern and eastern Indians had become insolent in their conduct towards the English; and several Indians on Long Island, and in the neighbourhood of the Manhadoes, averred that they had been solicited, with the promise of liberal presents, to join the Dutch in a conspiracy to cut off the English. About the same time, the Dutch governor wrote to the governors of the New England colonies, proposing to enter into an engagement to remain neutral, unless contrary orders should be given by their superiors, notwithstanding the war subsisting between the two countries, and offering to send an agent to treat on the subject with the commissioners. This proposition was considered as altogether insidious, and tending to corroborate the rumours of hostile designs.

Connecticut and New Haven became alarmed: a meeting of the Commissioners of the United Colonies was called, and evidence of the plot laid before them. A majority was in favour of war; but the colony of Massachusetts, being remote from the danger, was averse to it. As she was much stronger than either of the others, it was, at the suggestion of her deputies, resolved, that agents should first be sent to demand of the Dutch governor an explanation of his conduct. The agents did not obtain what they conceived to be a satisfactory explanation. On their return, another meeting of the commissioners was held at Boston, additional testimony was laid before them, and several ministers of Massachusetts were invited to assist at their deliberations, a practice not unusual at that period. The opinion of these ministers being requested, they concluded, that it would be safest for the colonies to forbear the use of the sword. But all the commissioners, except one, were of opinion, that recent aggressions justified, and self-preservation dictated, an appeal to the sword. They were about to declare war, when the general court of Massachusetts, in what the other colonies conceived to be a direct violation of one of the articles of the confederation, resolved, "that no determination of the commissioners, though all should agree, should bind the colony to engage in hostilities." At this declaration, Connecticut and New Haven felt alarmed and indignant. They considered the other colonies too weak, without the assistance of Massachusetts, to contend with the Dutch and their Indian allies. They argued,

entreated, and remonstrated, but without success.* They then represented their danger to Cromwell, and implored his assistance. He, with his usual promptitude, sent a fleet for their protection, and for the conquest of their enemies; but peace in Europe, intelligence of which reached New England soon after the arrival of the fleet, saved the Dutch from subjugation, and relieved the colonies from the dread of massacre.

Soon after the restoration, the Connecticut colony sent Mr. Winthrop, son of Governor Winthrop, of Massachusetts, to England, with an humble petition to the king, in which they solicited a charter under the royal signature. Mr. Winthrop was a gentleman of fine talents and address, and he succeeded in engaging in his interest several gentlemen of influence at court. He was also possessed of a valuable ring, which had been given by Charles I. to his grandfather; this, on his audience with the king, he presented to his majesty, which is supposed to have materially influenced the king in his favour. On the 20th of April, 1662, he obtained a patent under the great seal, granting the most ample privileges, and confirming to the freemen of the Connecticut colony, and such as should be admitted freemen, all the lands which had been formerly granted to the earl of Warwick, and by him transferred to Lord Saye and Sele, and his associates. This charter established over the colony a form of government of the most popular kind, and continued the fundamental law of Connecticut for the space of one hundred and fifty-eight years. "It is remarkable," says a writer in the *North American Review*, "that, although it was granted at a period of the world when the rights of the people were little understood and little regarded, and by a sovereign who governed England with a more arbitrary sway than any of his successors, the form of government established by this charter was of a more popular description, and placed all power within the more immediate reach of the people, than the constitution for which it has been deliberately exchanged, in these modern days of popular jealousy and republican freedom." The colony of New Haven was included in the new charter of Connecticut; but the inhabitants for several years refused to consent to the union, till the apprehension of the appointment of a general governor, and of their being united with some other colony, with a charter less favourable to liberty, induced them to yield a reluctant assent.

* Those of our readers who may be desirous to understand the merits of this controversy between the colonies, we refer to a very able and impartial extract in the *North American Review*, vol. iv. p. 90, et seq. We take this early opportunity to express our ac-

knowledge to the editors of that very ably conducted periodical, for the assistance it has rendered us in this, as in other portions of the history; and to express the satisfaction we feel at the extensive circulation it is now acquiring in the British dominions.

The circumstance which chiefly occasioned the apprehensions alluded to, was the grant of Charles II. to his brother, the duke of York and Albany, of a patent of a large territory in America, comprising lands from the west side of the river Connecticut, to the east side of Delaware bay. A fleet was immediately despatched for the reduction of the Dutch in New Netherlands, and commissioners were appointed for taking possession of the newly granted territories, in which were embraced the whole of New Haven, and a large portion of Connecticut. They were not only intrusted with the government of this territory, but were also invested with extraordinary powers for visiting the New England colonies, and hearing all matters of complaint and controversy which might arise in them. The people of New Haven, on hearing of the arbitrary disposition of these commissioners, thought it expedient, as the least of two evils, to shelter themselves under the Connecticut charter, and to unite with that colony in endeavouring to secure the privileges granted by it. Mr. Winthrop and others (a committee appointed for the purpose) succeeded in obtaining from the commissioners the establishment of the eastern line of New York, nearly where it runs at the present day, and thus preserved the colony from being dismembered of the richest and most populous section of its territory.

Connecticut was destined to suffer, with the rest of the colonies, from the violent acts committed in the last years of the reign of the Stuarts. Massachusetts had been deprived of her charter, and Rhode Island had been induced to surrender hers, when, in July, 1685, a writ of *quo warranto* was issued against the governor and company of Connecticut. The colonial government was strongly advised by Vane to comply with the requisition, and surrender the charter; but it was determined neither to appear to defend the charter nor voluntarily to surrender it. Sir Edmund Andros, whose appointment to the office of governor of the New England colonies has been related in the preceding chapter, made repeated applications for the surrender of the charter, but without success. The singular mode of its escape from his demand in person, is thus recorded by Trumbull: "The assembly met as usual, in October, 1687, and the government continued, according to charter, until the last of the month. About this time, Sir Edmund, with his suite, and more than sixty regular troops, came to Hartford, where the assembly were sitting, demanded

the charter, and declared the government under it to be dissolved. The assembly were extremely reluctant and slow with respect to any resolve to surrender the charter, or with respect to any motion to bring it forth. The tradition is, that Governor Treat strongly represented the great expense and hardships of the colonists in planting the country; the blood and treasure which they had expended in defending it, both against the savages and foreigners; to what hardships and dangers he himself had been exposed for that purpose; and that it was like giving up his life, now to surrender the patent and privileges so dearly bought, and so long enjoyed. The important affair was debated and kept in suspense until the evening, when the charter was brought and laid upon the table where the assembly were sitting. By this time, great numbers of people were assembled, and men sufficiently bold to enterprise whatever might be necessary or expedient. The lights were instantly extinguished, and one Captain Wadsworth, of Hartford, in the most silent and secret manner, carried off the charter, and secreted it in a large hollow tree, fronting the house of the Honourable Samuel Wyllys, then one of the magistrates of the colony. The people appeared all peaceable and orderly. The candles were officiously re-lighted, but the patent was gone, and no discovery could be made of it, or of the person who had conveyed it away.* Though Sir Edmund was thus foiled in his attempt to obtain possession of the charter, he did not hesitate to assume the reins of government,† which he administered in a manner as oppressive in this as in the other colonies. When on the arrival of the declaration of the prince of Orange at Boston, Andros was deposed and imprisoned, the people of Connecticut resumed their previous form of government, having been interrupted little more than a year and a half.

In the Indian war, in which Philip acted so conspicuous a part, Connecticut had her share of suffering, though it was not so great as that of some of her sister colonies. Hostilities were commenced by the aborigines, on the Connecticut river, in the summer of 1675; and, on the 1st of September, the inhabitants of Hadley were alarmed by the Indians during the time of public worship, and the people thrown into the utmost confusion; but the enemy were repulsed by the valour and good conduct of an aged, venerable man, who, suddenly appearing in the midst of the affrighted inhabitants, put himself at their

* Trumbull's History of Connecticut, p. 371, 372.

† The records of the colony announce the fact in the following terms:—"At a general court at Hartford, October 31st, 1687, his excellency, Sir Edmund Andros, knight, and captain-general and governor of his majesty's territories and dominions in New Eng-

land, by order from his majesty, James II., king of England, Scotland, France, and Ireland, the 31st of October, 1687, took into his hands the government of the colony of Connecticut, it being, by his majesty, annexed to Massachusetts, and other colonies under his excellency's government. FINIS."—Ibid.

head, led them to the onset, and, after the dispersion of the enemy, instantly disappeared. This deliverer of Hadley, then imagined to be an angel, was General Goffe, (one of the judges of Charles I.,) who was at that time concealed in the town.*

But a short time elapsed, before the colonists were again called on to defend their privileges from what they deemed an unjust encroachment. Colonel Fletcher, governor of New York, had been vested with plenary powers to command the militia of Connecticut, and insisted on the exercise of that command. The legislature of Connecticut, deeming that authority to be expressly given to the colony by charter, would not submit to his requisitions; but, desirous of maintaining a good understanding with Governor Fletcher, endeavoured to make terms with him, until his Majesty's pleasure should be further known. All their negotiations were, however, unsuccessful; and, on the 26th of October, he came to Hartford, while the assembly was sitting, and, in his majesty's name, demanded submission; but the refusal was resolutely persisted in. After the requisition had been repeatedly made, with plausible explanations and serious menaces, Fletcher ordered his commission and instructions to be read in audience of the train bands of Hartford, which had assembled upon his order. Captain Wadsworth, the senior officer, who was exercising his soldiers, instantly called out, "Beat the drums!" which, in a moment, overwhelmed every voice. Fletcher commanded silence. No sooner was a second attempt made to read, than Wadsworth vociferated, "Drum, drum! I say." The drummers instantly beat up again, with the greatest possible spirit. "Silence, silence," exclaimed the governor. At the first moment of a pause, Wadsworth called out earnestly, "Drum, drum, I say;" and, turning to his excellency, said, "If I am interrupted again, I will make the sun shine through you in a moment." Colonel Fletcher declined putting Wadsworth to the test, and abandoning the contest, returned with his suite to New York.—It has been already observed, that the history of the American colonies has been decidedly undervalued and neglected; this must have been the case even with the best educated classes of society, or surely, after such specimens of determined independence of spirit as the history of this colony, and of Massachusetts, exhibits, the measures which ulti-

mately led to an entire separation would never have received the sanction of the British senate.

In the year 1700, Yale college was founded. The project had been the subject of conversation for the space of two years, and at length eleven gentlemen, who had been agreed on as trustees, assembled at Branford, and laid the foundation of the college. In the year following, the trustees obtained from the general assembly an act of incorporation, and a grant of 120*l.* annually. It was originally established at Saybrook; and, in 1702, the first degrees were there conferred. Elihu Yale made several donations to the institution, and from him it derives the name it bears. A succession of able instructors has raised it to a high rank among the literary institutions of the country. The history of this college, as well as a description of its extensive buildings, will appear in the topographical department of this work.

The trustees of Yale College, assembled at Guilford, March 17th, 1703, addressed a circular letter to the ministers, proposing to hold a general synod of all the churches in the colony, to give their joint consent to a confession of faith, after the example of the synod in Boston, 1680. This proposal was universally acceptable; and the ministers and churches of the several counties met in voluntary "consociation," and gave their consent to the Westminster and Savoy confessions of faith, and agreed upon certain rules of union in discipline, which were designed to be preparatory to a general synod. Still there was no visible and acknowledged bond of union among them; and the disadvantages attendant upon a want of system were felt to a considerable extent. Under the influence of these considerations, the legislature passed an act, in May, 1708, requiring the ministers and churches to meet by delegation at Saybrook, at the next commencement to be held there, and form an ecclesiastical constitution, which they were directed to present to the legislature at their session at New Haven, the following October, to be considered of, and confirmed by them. In the same act they directed the ministers, and churches of the colony, to meet (the churches by delegation) in the county towns of their respective counties; there to consider and agree upon those rules for the management of ecclesiastical discipline, which they should judge conformable to the word of God, and to appoint two or more of their number as members of

* "Suddenly, and in the midst of the people, there appeared a man of a very venerable aspect, who took the command, arranged and ordered them in the best military manner, and under his direction they repelled and routed the Indians, and the town was saved. He immediately vanished, and the inhabitants could not account for the phenomenon, but by considering that person as an

angel, sent of God for their deliverance."—Stiles, Hist. Judges, p. 109. "From New Haven, Whalley and Goffe went to West Rock, a mountain about three hundred feet high, and about two miles and a half from the town, and were for some time concealed in a cave 'on the very top of the rock, about half or three quarters of a mile from the southern extremity.'"—Stiles, p. 72, 76.

the synod at Saybrook. They also directed the synod to compare the results of these ecclesiastical meetings of the several counties, and out of them to draw a form of ecclesiastical discipline. The expenses of all these meetings were to be defrayed out of the public treasury. The system agreed upon by the synod was presented to the legislature at the time specified; upon which they passed the following act:

* The "Heads of Agreement" afford an authentic statement of the doctrine and discipline of the New England churches; and, as they will most effectually vindicate these societies from misrepresentation, and enable our readers to avoid misconception, we have quoted them at length. The "Platform," and the whole proceedings respecting it, may be found in the fifth book of Mather's *Magnalia*.

"HEADS OF AGREEMENT ASSENTED TO BY THE UNITED MINISTERS, FORMERLY CALLED PRESBYTERIAN AND CONGREGATIONAL.

"I. *Of Churches and Church Members.*—1. We acknowledge our Lord Jesus Christ to have one catholic church, or kingdom, comprehending all that are united to him, whether in heaven or earth; and do conceive the whole multitude of visible believers, and their infant seed, (commonly called the catholic visible church,) to belong to Christ's spiritual kingdom in this world; but for the notion of a catholic visible church here, as it signifies its having been collected into any formed society, under a visible human head on earth, whether one person singly, or many collectively, we, with the rest of protestants, unanimously disclaim it. 2. We agree, that particular societies of visible saints, who, under Christ their head, are stably joined together, for ordinary communion with one another in all the ordinances of Christ, are particular churches, and are to be owned by each other as instituted churches of Christ, though differing in apprehensions and practice in some lesser things. 3. That none shall be admitted as members, in order to communion in all the special ordinances of the gospel, but such persons as are knowing and sound in the fundamental doctrines of the christian religion, without scandal in their lives; and to a judgment regulated by the word of God, are persons of visible holiness and honesty, credibly professing cordial subjection to Jesus Christ. 4. A competent number of such visible saints, as before described, do become the capable subjects of stated communion in all the special ordinances of Christ, upon their mutual declared consent and agreement to walk together therein according to gospel rule. In which declaration, different degrees of explicitness shall no ways hinder such churches from owning each other as instituted churches. 5. Though parochial bounds be not of divine right, yet, for common edification, the members of a particular church ought (as much as conveniently may be) to live near one another. 6. That each particular church hath right to use their own officers; and being furnished with such as are duly qualified and ordained according to the gospel rule, hath authority from Christ for exercising government, and of enjoying all the ordinances of worship within itself. 7. In the administration of church power, it belongs to the pastors and other elders of every particular church, if such there be, to rule and govern, and to the brotherhood to consent, according to the rule of the gospel. 8. That all professors, as before described, are bound in duty, as they have opportunity, to join themselves as fixed members of some particular church; their thus joining being part of their professed subjection to the gospel of Christ, and an instituted means of their establishment and edification, whereby they are under the pastoral care, and, in case of scandalous or offensive walking, may be authoritatively admonished or censured for their recovery, and for vindication of the truth and the church professing it. 9. That a visible professor thus joined to a particular church ought to continue steadfast with the said church, and not forsake the ministry and ordinances there dispensed, without an orderly seeking a recommendation unto another church, which ought to be given, when the case of the person apparently requires it.

"At a general court, holden at New Haven, October, 1708:

"The reverend ministers, delegates from the elders and messengers of this government, met at Saybrook, September 9th, 1708, having presented to this assembly a Confession of Faith, and Heads of Agreement,* and regulations in the administration of church discipline, as unanimously agreed and consented to by the elders and churches in this government; this

"II. *Of the Ministry.*—1. We agree that the ministerial office is instituted by Jesus Christ for the gathering, guiding, edifying, and governing of his church, and to continue to the end of the world. 2. They who are called to this office ought to be endued with competent learning and ministerial gifts, as also with the grace of God, sound in judgment, not novices in the faith and knowledge of the gospel, without scandal, of holy conversation, and such as devote themselves to the work and service thereof. 3. That, ordinarily, none shall be ordained to the work of this ministry, but such as are called and chosen thereunto by a particular church. 4. That in so great and weighty a matter as the calling and choosing a pastor, we judge it ordinarily requisite, that every such church consult and advise with the pastors of neighbouring congregations. 5. That after such advice, the person consulted about being chosen by the brotherhood of that particular church over which he is to be set, and he accepting, be duly ordained and set apart to his office over them; wherein it is ordinarily requisite, that the pastors of neighbouring congregations concur with the preaching elder or elders, if such there be. 6. That, whereas such ordination is only intended for such as never before had been ordained to the ministerial office; if any judge, that in the case also of the removal of one formerly ordained to a new station, or pastoral charge, there ought to be a like solemn recommending him and his labours to the grace and blessing of God; no different sentiments, or practice herein, shall be any occasion of contention or breach of communion among us. 7. It is expedient, that they who enter on the work of preaching the gospel, be not only qualified for communion of saints, but also, that, except in cases extraordinary, they give proof of their gifts and fitness for the said work unto the pastors of churches of known abilities to discern and judge of their qualifications, that they may be sent forth with solemn approbation and prayer, which we judge needful, that no doubt may remain concerning their being called unto the work, and for preventing, as much as in us lieth, ignorant and rash intruders.

"III. *Of Censures.*—1. As it cannot be avoided, but that in the purest churches on earth, there will sometimes offences and scandals arise, by reason of hypocrisy and prevailing corruption; so Christ hath made it the duty of every church to reform itself by spiritual remedies appointed by him to be applied in all such cases, viz. admonition and excommunication. 2. Admonition being the rebuking of an offending member in order to conviction, is, in case of private offences, to be performed according to the rule in Matt. xviii. 15, 16, 17, and in case of public offences, openly before the church, as the honour of the gospel, and the nature of the scandal, shall require; and if either of the admonitions take place for the recovery of the fallen person, all further proceedings in a way of censure are thereon to cease, and satisfaction to be declared accordingly. 3. When all due means are used, according to the order of the gospel, for the restoring an offending and scandalous brother, and he, notwithstanding, remains impenitent, the censure of excommunication is to be proceeded unto; wherein the pastor, and other elders, (if there be such,) are to lead and go before the church; and the brotherhood to give their consent in a way of obedience unto Christ, and to the elders, as over them in the Lord. 4. It may sometimes come to pass, that a church member, not otherwise scandalous, may sinfully withdraw, and divide himself from the communion of the church to which he belongeth; in which case, when all due means for the reducing him prove ineffectual, he having thereby cut himself off from that church's communion, the church may justly esteem and declare itself discharged of any further inspection over him.

assembly doth declare their great approbation of such a happy agreement; and do ordain, that all the churches within this government, that are or shall be thus united in doctrine, worship, and discipline, be, and for the future shall be, owned and acknowledged, and established by law; provided always, that nothing herein shall be intended or construed to hinder or prevent any society or church that is, or shall be, allowed by the laws of this government, who soberly differ or dissent from the united churches hereby established, from exercising worship and discipline in their own way, according to their consciences."

Dr. Dwight gives the following concise and clear view of what he terms "the two ecclesiastical judicatories established in the state of Connecticut,—a particular church, and a consociation. A particular church, with its pastor at its head, has the power of exercising the discipline of the gospel with respect to all scandals which take place among its members. With respect to this subject, it is declared to be the province of the pastor, together with the ruling elders, wherever they exist, to govern; and that of the brotherhood to consent, and, of course, if they see occasion, to dissent. This constitutes two distinct powers;

"IV. *Of Communion of Churches.*—1. We agree that particular churches ought not to walk so distinct and separate from each other, as not to have care and tenderness towards one another. But their pastors ought to have frequent meetings together, that, by mutual advice, support, encouragement, and brotherly intercourse, they may strengthen the hearts and hands of each other in the ways of the Lord. 2. That none of our particular churches shall be subordinate to one another, each being endued with equality of power from Jesus Christ; and that none of the said particular churches, their officer or officers, shall exercise any power, or have any superiority, over any other church or their officers. 3. That known members of particular churches, constituted as aforesaid, may have occasional communion with one another in the ordinances of the gospel, viz. the word, prayer, sacraments, singing of psalms, dispensed according to the mind of Christ, unless that church, with which they desire communion, hath any just exception against them. 4. That we ought not to admit any one to be a member of our respective congregations that hath joined himself to another, without endeavours of mutual satisfaction of the congregations concerned. 5. That one church ought not to blame the proceedings of another, until it hath heard what that church charged, its elders or messengers, can say in vindication of themselves from any charge of irregular or injurious proceedings. 6. That we are most willing and ready to give an account of our church proceedings to each other, when desired, for preventing or removing any offences that may arise among us. Likewise, we shall be ready to give the right hand of fellowship, and walk together according to the gospel rules of communion of churches.

"V. *Of Deacons and Ruling Elders.*—We agree, the office of a deacon is of divine appointment, and that it belongs to their office to receive, lay out, and distribute the church's stock to its proper uses, by the direction of the pastor and brethren, if need be. And, whereas divers are of opinion, that there is also the office of ruling elders, who labour not in word and doctrine; and others think otherwise; we agree that this difference make no breach among us.

"VI. *Of occasional Meeting of Ministers, &c.*—1. We agree that, in order to concord, and in other weighty and difficult cases, it is needful, and according to the mind of Christ, that the ministers of

one of which (the elder or elders) is to originate decisions; and the other has the right of a veto with respect to every decision. This certainly is a judicatory, attended with circumstances of extreme delicacy; for, should the brotherhood refuse their consent, the measures originated must regularly fall. It might not unnaturally be expected, that, in such a division of authority, most measures actually proposed would fail. The very same is, however, the constitution of every representative government, so far as a veto is concerned; each branch of the legislature having, of course, a negative upon the other. Here, also, each branch has additionally the power of originating measures." "The general association of Connecticut is a body merely advisory, yet its recommendations have no small part of the efficacy derived from authority. The business transacted by it consists in a general superintendence of the prudential affairs of the churches;* in receiving applications from the several ministers, individually and associated; and from the several churches, particular or consociated, concerning their respective interests, or the general ecclesiastical interests of the state; and giving their advice, recommending such measures originally as they judge to be beneficial." It is undeniably true,

several churches be consulted and advised with about such matters. 2. That such meetings may consist of smaller or greater numbers, as the matter shall require. 3. That particular churches, their respective elders and members, ought to have a reverential regard to their judgment so given, and not dissent therefrom without apparent grounds from the word of God.

"VII. *Of our Demeanour towards the Civil Magistrate.*—1. We do reckon ourselves obliged continually to pray for God's protection, guidance, and blessing, upon the rulers set over us. 2. That we ought to yield unto them not only subjection in the Lord, but support, according to our station and abilities. 3. That, if at any time it shall be their pleasure to call together any number of us to require an account of our affairs, and the state of our congregations, we shall most readily express all dutiful regard to them herein.

"VIII. *Of a Confession of Faith.*—As to what appertains to soundness of judgment in matters of faith, we esteem it sufficient that a church acknowledge the Scriptures to be the word of God, the perfect and only rule of faith and practice, and own either the doctrinal part of those commonly called the Articles of the church of England, or the Confession or Catechisms, shorter or larger, compiled by the assembly at Westminster, or the confession agreed on at the Savoy, to be agreeable to the said rule.

"IX. *Of our Duty and Deportment towards them that are not in Communion with us.*—1. We judge it our duty to bear a christian respect to all Christians, according to their several ranks and stations, that are not of our persuasion or communion. 2. As for such as may be ignorant of the principles of the christian religion, or of vicious conversation, we shall, in our respective places, as they give opportunity, endeavour to explain to them the doctrine of life and salvation, and to our utmost persuade them to be reconciled to God. 3. That such who appear to have the essential requisites to church communion, we shall willingly receive them in the Lord, not troubling them with disputes about lesser matters."—Mather's Magnalia, b. v. p. 59—61.

* The general association is also now the incorporated Missionary Society of the state, both "foreign" and "domestic."

that some evils have ever been attendant on the purely congregational or independent system of church government; but they have arisen rather from the absence of a proper spirit among the members of the churches, than from the form of government itself. The history of the proceedings of the "consociations" of Connecticut, affords but a poor recommendation for their general adoption, as a remedy for the disadvantages of independency; although it must be admitted that the injurious tendencies of such associations was much aggravated by the intimate connexion which existed between the civil and ecclesiastical powers in this colony; and, most assuredly, the acts of the hierarchy of Connecticut fully evince, that the sword of the magistrate should never be entrusted to the hands, or to the influence, of any priesthood, however pure or exemplary. The tyrannical character of their proceedings was decidedly exhibited, in their treatment of many of the most devoted labourers, in that great moral renovation which pervaded almost every part of the colony in 1738, and the following years.

It might be supposed by some of our readers, that a revival of religion is not a subject that should occupy a place in the general history of a state. It is true, that the advance or decay of any particular religious sect belongs to the ecclesiastical, rather than to the civil record; but it is far otherwise with a great moral change affecting all classes of society: such a circumstance is of more importance to the civil interests of society, than even the political institutions which are deemed essential to its prosperity. Originated by whatever circumstances, private virtue is the only basis on which the security of states can ever rest; and with the extraordinary rise of the American republic as the peculiar subject of our consideration, it would be unpardonable not to feel this sentiment in its fullest force. We are the more desirous of giving faithfully the general outline of the proceedings which have been designated revivals, both because they have recently attracted a considerable portion of public attention, and because we conceive they have not been regarded in a perfectly correct point of view, either by their opponents, or by their approvers.

It was in the year 1735, that the first very decided indication of a revival spirit manifested itself at Northampton, Massachusetts, under the ministry of the Rev. Jonathan Edwards, afterwards president of the college in New Jersey. It appears to have commenced among the young people of his congregation. "Presently," says Dr. Edwards, "a great and earnest concern about the things of religion and the eternal

world became universal in all parts of the town, and among persons of all degrees and ages. All the conversation in all companies, and upon all occasions, was upon these things only, unless so much as was necessary for people to carry on their ordinary secular business. Other discourse than of the things of religion would scarcely be tolerated in any company. They seemed to follow their worldly business more as a part of their duty, than from any disposition they had to it. The temptation now seemed to lie on this hand, to neglect worldly affairs too much, and to spend too much time in the immediate exercises of religion. But although people did not ordinarily neglect their worldly business, yet there then was the reverse of what commonly is; religion was with all the great concern." This state of feeling spread rapidly during the following seven years through many of the towns of the New England states, and in some of those of New York and New Jersey. "This work," says Dr. Trumbull,* "was very extraordinary on many accounts. It was much beyond what had been the common course of Providence. It was more universal than had before been known. It extended to all sorts and characters of people, sober and vicious, high and low, rich and poor, wise and unwise. To all appearance, it was no less powerful in families and persons of distinction, in the places which it visited, than others. In former works of this nature, young people had generally been wrought upon, while elderly people and children had been little affected, if moved at all. But at this time old men were affected as well as others." "People, in a wonderful manner, flocked together to places of public worship, not only on the Lord's-day, but on lecture days, so that the places of worship could not contain them. They would not only fill the houses, but crowd round the doors and windows without, and press together wherever they could hear the preacher. They would not only thus assemble in their own towns and parishes when the word was preached, but if they had the knowledge of lectures in the neighbouring towns and parishes, they would attend them. Sometimes they would follow the preacher from town to town, and from one place to another, for several days together. In some instances, in places but thinly settled, there would be such a concourse, that no house could hold them. There was, in the minds of people, a general fear of sin, and of the wrath of God denounced against it. There seemed to be a general conviction, that all the ways of man were before the eyes of the Lord. It was the opinion of men of dis-

* History of Connecticut, vol. ii. p. 141.

cernment and sound judgment, who had the best opportunities of knowing the feelings and general state of the people at that period, that bags of gold and silver, and other precious things, might, with safety, have been laid in the streets, and that no man would have converted them to his own use. Theft, wantonness, intemperance, profaneness, sabbath-breaking, and other gross sins, appeared to be put away. The intermissions on the Lord's-day, instead of being spent in worldly conversation and vanity, as had been too usual before, were now spent in religious conversation, in reading and singing the praises of God. At lectures there was not only great attention and seriousness in the house of God, but the conversation out of it was generally on the great concerns of the soul."

There is a circumstance which considerably contributed to accelerate the diffusion of a revival spirit, which must not be overlooked—the visits of the celebrated contemporaries, Wesley and Whitefield, to the American continent, just at this period.* The extraordinary exertions of the latter especially excited and emboldened many faithful ministers of Connecticut, whose labours and pecuniary sacrifices now became greater than they had ever before experienced or imagined they could endure. They not only abounded in active exertions among their own and neighbouring congregations, but preached in all parts of the colony, where their brethren would admit them, and in many places in Massachusetts, and the other colonies. They were very popular, and their labours were generally acceptable to their brethren, and useful to the people. They were not noisy preachers, but grave, sentimental, searching, and pungent. Con-

* Mr. Whitefield landed at Philadelphia the beginning of November, 1739. On his arrival, he was invited to preach in all the churches, and people of all denominations flocked in crowds to hear him. After preaching a few days in Philadelphia, he made a visit to New York, and preached eight times in that place with great applause and effect. Thence he returned to Philadelphia, preaching on the way, both going and returning. From thence he went to Georgia by land, preaching on the way as he proceeded. Numbers followed, some twenty, and some even sixty miles. He preached at Chester, Wilmington, Newcastle, and Whitley-creek. At the last of these places, it was computed that his congregation consisted of not less than ten thousand hearers; and the people seemed almost universally impressed. These reports reaching New England, there was a great desire, both in ministers and people, to see and hear him; and Dr. Coleman and Mr. Cooper, of Boston, sent pressing invitations that he would pay them a visit. Mr. Whitefield, touched with a curiosity to see the descendants of the good old puritans, and their seats of learning, and hoping that he might make some further collections for his favourite object, the orphan-house in Georgia, accepted their invitation. He arrived at Rhode Island on September 14th, 1740. Here a number of principal gentlemen soon waited on him. He preached there three days, twice a day, to deeply affected auditories. He then departed for Boston, where he was met on the road by the governor's son, several of the clergy, and other gentlemen of principal character, who conducted him into the city. His assemblies there were so large, that the most capacious houses could not contain them, and he often

necticut was, however, more remarkably the seat of the work than any part of New England, or of the American colonies. In the years 1740, 1741, and 1742, it had pervaded, in a greater or less degree, every part of the colony. In most of the towns and societies, it was very general and powerful.

It has been estimated, that, during three years, from thirty to forty thousand persons had their minds affected in the decided manner which has been described. It might naturally have been supposed, that, as many of these impressions occurred at a period of extraordinary excitement, they would not have been generally productive of permanently beneficial results. The contrary, however, in a very great majority of instances, appears to have been the fact. "The effects on great numbers," says Dr. Trumbull, "were abiding and most happy; they were the most uniform, exemplary christians, with whom I was ever acquainted. I was born, and had my education, in that part of the town of Hebron in which the work was most prevalent and powerful. They were extraordinary for their constant and serious attention on the public worship; they were prayerful, righteous, peaceable, and charitable; they kept up their religious meetings for prayer, reading, and religious conversation, for many years; they were strict in the religion and government of their families, and I never knew that any one of them was ever guilty of scandal, or fell under discipline. About eight or ten years after the religious revival and reformation, that part of the town was made a distinct society, and it was mentioned to Mr. Lothrop, the pastor elect, as an encouragement to settle with them, that there was

preached on the common. This was the beginning of the most extraordinary revival of religion ever experienced in Boston, or in that part of New England. When Mr. Whitefield left Boston, it was for Northampton. He had read in England the narrative of Mr. Edwards, of the remarkable work of God in that place, in 1735, and had a great desire to see him, and receive the account from his own mouth. On his way, pulpits and houses were every where open to him, and the same happy influence and effects attended his preaching, which had been experienced in other places. When he arrived at Northampton, about the middle of October, he was joyfully received by Mr. Edwards and the people. After leaving their interesting society, he preached in the neighbouring towns to large and deeply affected congregations. On the 23d of October, he reached New Haven. Here he was affectionately received; and, as the general assembly were then sitting, he remained several days, and had the pleasure of seeing numbers daily impressed. After the sabbath he preached at Milford, and prosecuting his journey to New York, and the southern colonies, he preached with his usual popularity and success. Taking leave of Connecticut, he preached at Rye and Kingsbridge, and, on the 30th of October, arrived at New York. Here he remained three days, and then departed, preaching through the southern colonies, as he had done before, but apparently with still greater success. It appears he was the instrument of great good in New England, as well as in the southern colonies. He greatly quickened and animated ministers, as well as private Christians, especially in Massachusetts and Connecticut.



not a drunkard in the whole parish. While I lived in it, I did not know of one prayerless family among his people, nor ever heard of one. Some of those people, who dated their conversion from that period, lived until they were far advanced in life; and after I was settled in the ministry, I became acquainted with them in one place and another. They appeared to be some of the most consistent practical Christians with whom I ever had an acquaintance. Their light shone before men, through a long life, and brightened as they advanced on their way. Some I was called to visit in their last moments in full possession of their rational powers, who appeared perfectly to acquiesce in the will of God, to die in the full assurance of faith, and in perfect triumph over the last enemy."

These proceedings, though so accordant with the principles and spirit of the reformation, the professed model of the Connecticut establishment, did not receive its concurrence. In the midst of such a manifestation of popular feeling, there were some irregularities which did not comport with the discipline, and some doctrinal variations from the creed, of "the Saybrook platform." Every deviation or excess was magnified into importance by the majority of the clergy, who were indisposed to any extraordinary exertion, and who dreaded the infectious zeal spreading among their flocks. Numerous opposers appeared against what they were pleased to term the "new light;" and, as in most similar cases, the oppugners of reform were supported by the aristocracy. The baneful effects of establishments and of "consociations," were also plenteously exhibited. A striking instance of the deplorable illiberality of the latter occurred in the case of Mr. Robbins, who, after a variety of vexatious proceedings on the part of the consociation of New Haven county, was deposed from his office of pastor of the church at Branford, for having preached for a dissenting baptist minister at Wallingford, without the permission of the established clergyman of the parish! His own church, however, resolved, "that this society desire the Rev. Mr. Robbins to continue in the ministry among us, notwithstanding his preaching to the Baptists, and what the consociation of New Haven county have done thereon;" thus preferring to be excluded from the consociation, and become dissenters themselves, rather than submit to spiritual tyranny in so gross a form.*

The edicts of the state were still more oppressive

than those of the clergy, and remind us of the paternal decrees of the Emperor Ferdinand II., who, from the "urgings of his tender conscience," and from his "fatherly care" for the salvation of his kingdom of Bohemia, denounced ruin and destruction against all who resisted his spiritual decrees. In May, 1742, the general assembly of Connecticut resolved as follows:—

"1. Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same, that if any ordained minister, or any other person licensed as aforesaid, to preach, shall enter into any parish not immediately under his charge, and shall there preach and exhort the people, he shall be denied and excluded the benefit of any law of this colony, made for the support and encouragement of the gospel ministry, except such ordained minister, or licensed person, shall be expressly invited and desired to enter into such parish, and there to preach and exhort the people, by the settled minister, and the major part of the church and society within such parish.

"2. And it is further enacted by the authority aforesaid, that if any association of ministers shall undertake to examine or license any candidate for the gospel ministry, or assume to themselves the decision of any controversy, or as an association, counsel and advise in any affair that, by the platform, or agreement above mentioned, made at Saybrook, aforesaid, is properly within the province and jurisdiction of another association, then, and in such case, every member that shall be present in such association so licensing, deciding, or counselling, shall be each and every one of them denied and excluded the benefit of any law in this colony, for the encouragement and support of the gospel ministry.

"3. And it is further enacted, by the authority aforesaid, that if any minister, or ministers, contrary to the true intent and meaning of this act, shall presume to preach in any parish, not under his immediate care and charge, the minister of the parish where he shall so offend, or the civil authority, or any of the committee of said parish, shall give information thereof in writing, under their hands, to the clerk of the society or parish where such offending minister doth belong, which clerk shall receive such information, and lodge and keep the same on file in his office, and no assistant or justice of the peace in this colony shall sign any warrant for the collecting any minister's rate, without first receiving a certificate from

* Those of our readers who may be desirous of becoming more intimately acquainted with the ecclesiastical history of this colony than our limits will permit, can refer to Trumbull's History of

Connecticut, a very valuable work, to which we are indebted for much of the information comprised in this chapter.

the clerk of the society, or parish, where such rate is to be collected, that no such information as is above mentioned hath been received by him, or lodged in his office.

"4. And be it further enacted, by the authority aforesaid, that if any person whatsoever, that is not a settled or ordained minister, shall go into any parish, without the express desire and invitation of the settled minister of such parish, if any there be, and the major part of the church and congregation within such parish, and publicly teach and exhort the people, he shall, for every such offence, upon complaint made thereof to any assistant or justice of the peace, be bound to his peaceable and good behaviour, until the next county court in that county where the offence shall be committed, by said assistant or justice of the peace, in the penal sum of one hundred pounds lawful money, that he or they will not offend again in the like kind; and the said county court may, if they see meet, further bind the said person or persons, offending as aforesaid, to their peaceable and good behaviour, during the pleasure of the court.

"5. And it is further enacted, by the authority aforesaid, that if any foreigner, or stranger, that is not an inhabitant of this colony, including as well such persons as have no ecclesiastical character, or license to preach, or such as have received ordination or license to preach, by any association or presbytery, shall presume to preach, teach, or publicly exhort, in any town or society within this colony, without the desire and license of the settled minister, and the major part of the church of such town and society, or at the call and desire of the church and inhabitants of such town and society, provided that it so happen that there be no settled minister there,—that every such preacher, teacher, or exhorter, shall be sent, as a vagrant person, by warrant from any assistant or justice of the peace, from constable to constable, out of the bounds of this colony."

These enactments were afterwards rendered still more severe; and, under their authority, several worthy ministers were arrested and imprisoned. This law was an outrage on every principle of justice, and on the most inherent and valuable rights of the subject. It was a palpable contradiction, and gross violation, of the Connecticut bill of rights. It was equally an invasion of the rights of heaven, and incompatible with the command, "Go ye into all the world, and preach the gospel to every creature." In obedience to this command, the primitive preachers went every where, preaching the word. They regarded no parochial limits, and when high priests and magistrates forbade

their preaching, they answered, "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye; for we cannot but speak the things which we have seen and heard." This law was also contrary to the opinion and practice of all the reformers and puritans. The reformers all preached within the parishes and bishopricks of the Roman catholics, and by this means, under Divine Providence, effected the reformation. It never could have been effected without it. The puritans preached within the parishes of the church of England, and judged it their indispensable duty to preach the gospel whenever and wherever they had an opportunity. They did it zealously and faithfully, though exposed to fines, imprisonment, and loss of living. Even in Connecticut, the Episcopalians were allowed to preach and collect hearers, erect churches, and form ecclesiastical societies, in opposition to the established ministers and churches. The law was therefore partial, inconsistent, and highly persecuting.

Another circumstance, of a character equally illiberal, occurred about the same period as the enactment of these obnoxious laws. Two young men, of the name of Cleveland, were students at Yale College. Their parents had separated, with others, from the ministry of a Mr. Cogswell, at Canterbury, and had attended meetings at a private house. These young gentlemen, while at home during the vacation in September, attended the separate meetings with their parents. One of them, it seems, was a member of the separate church. For this, and their neglect to confess their fault in that respect, they were both expelled from college. The expulsion of these young men made a great clamour in the state, as unprecedented and cruel. It was considered as a severity exceeding the law of college respecting that case. The president and tutors allowed young men of the church of England, and of other denominations, to be in college without renouncing their principles; the treatment of these young men was therefore considered as partial, severe, and unjust. It began to be perceived, by many, that people had a right to worship God according to the dictates of their own consciences, and at such times, and in such places, as they pleased; that this was the principle on which the protestants and puritans acted, and the only one on which their separation and conduct could be justified. They discovered, that if christian legislatures and councils had a right to appoint the modes and places of worship, and confine Christians to them, that then the papists, and church of England, had a right to

bind all Christians to worship with them, and the reformers and puritans were totally wrong, and the persecutions raised against them were just. Hence they rejected the constitution, as then understood and acted upon, and the laws as really tyrannical and persecuting.*

This circumstance tended considerably to increase the dissatisfaction which had already evinced itself by several separations from the established church, and these now became more frequent and extensive. The ministers of the separatists were exposed to continual persecution at Canterbury. Some of them were arrested, condemned, and sentenced to be bound in a bond of a hundred pounds not to offend again in the like manner; but as they conceived it was their indispensable duty to exhort and teach the people, and as they determined to teach and exhort when they should have opportunity, they would not give bonds, and so were committed to prison, and kept a long time from their families, and from the worship and communion of their brethren, and endured much

hardship in their long confinement. Others were arrested and imprisoned for refusing to pay their minister's rates which were laid upon them, though they had protested against his settlement, and withdrawn themselves wholly from his ministry. Others had their cattle and goods taken and sold at half their value, to pay for the support of the minister of the parish. These violent measures, instead of checking the separation, and conciliating the minds of the people, alienated them more and more from the constitution and standing churches, and confirmed them in their belief that they were right, and actually suffering in the cause of christian liberty.

The persevering opposition of the dissenters, though a circumstance of great annoyance to a large portion of the community, was attended with results, remote indeed, yet highly beneficial. It put to the test the principles on which the Connecticut establishment was founded; its constitution has consequently undergone successive modifications, until it has been rendered far more worthy of a liberal and enlightened state.†

* "The act of the legislature, and the proceedings in consequence of it towards ministers and others, and the procedure at college, were repugnant to the sentiments of Mr. Locke, and all the best writers on toleration. The intolerant spirit of the president and governors of college at that time, will appear from an affair which happened soon after the law was made to prevent disorders, &c. A number of the senior class in college set a subscription on foot for the reprinting of Mr. Locke's essay on toleration, and obtained a considerable number of subscribers, and were about to engage, or had engaged, for the reprinting of it. The president found it out, and reprimanded them for such a piece of conduct, and ordered them to make a public confession for what they had done, or else they should not have their degrees. They all made their confessions but one; he was of age, and a man of considerable property, and had some knowledge of the credit of Mr. Locke's writings, and of that tract in particular, and he would make no confession for his attempts to obtain the reprinting of such a tract. The day before commencement he found his name was not in the catalogue of his class, who were to have their degrees; he waited on the president and corporation to know the reason why his name was not in the catalogue; he was told that he had been in the mischievous business of carrying about subscriptions for the reprinting of Mr. Locke on toleration. He told them he was of age, and had property, and if he could not have his degree, he would appeal to the king in council; that he had an attorney, and would enter it soon. Some time after, a freshman was sent to him, acquainting him that the president and corporation wished to see him. He waited on them, and they treated him with much complaisance, and told him to appear with his class, and take his degree."—Trumbull, vol. ii. p. 183.

† To know well the origin of our early institutions, and those shades of difference which mark different portions of the Union, in regard to our religious and literary establishments; and, also, the cause of certain sectional feelings or prejudices, now less felt than formerly, is a subject of some interest. We profess not to be able, in every case, to give complete satisfaction, but we hope, in the examination of this subject, to show, generally, the origin of our institutions, to develop the character of the first settlers of our country, and to exhibit the causes which have given certain sectional traits to our people.

We praise our ancestors, and deservedly too, for our literary, moral, and religious institutions; but when we examine the subject with accuracy, we shall know what, and how much, to attribute to accident, and what to design. To do this, we must look

to the parent country, and ascertain, with brevity, the religious, and political state of England previous to the settlement of this country, and see with what motives and feelings our progenitors were induced to leave their native land, where were deposited the ashes of their ancestors, and dissolve all the ties of home and friendship, and emigrate to a wilderness, separated from the mother country by a great ocean.

We go back to the time of Henry VIII., and take a short view of the state of religion from that period to the time of the first settlements in our own country. During this period changes were effected which dissolved the ties by which England was held to the papal See, and created other sects, which equally dissented from the protestant episcopal church of England.

At the commencement of the reign of Henry, the whole Christian world acknowledged the supremacy of the Pope, and every crowned head did him homage and received his dominions of him. In fact, all countries were considered the dominions and actual patrimony of his holiness.

Perhaps no prince was ever more devoted to the representative of St. Peter than Henry VIII. The holy father pressed him to his bosom as his most faithful child. Henry wrote a book in vindication of the Pope's supremacy in temporal and spiritual affairs, and in answer to Martin Luther, a monk, who wrote and preached against the sale of indulgences by Leo X. For this act of filial devotion, Henry, in addition to his other splendid titles, received from his holiness that of "defender of the faith," a mark of confidence not before or since bestowed on any monarch. This appendage he bore with peculiar complacency during his reign, and handed it down to his successors.

But that capricious monarch received an affront from the Pope, because he refused to grant him a divorce from his queen, Catharine of Arragon. He openly renounced all subjection to his holiness, and actually declared war against him. He breasted the spiritual thunders of the Vatican, which in former times had shook the most powerful kingdoms, and humbled to the dust the proudest monarchs. Henry seized upon the revenues of the church, which were considered sacred, and converted them to his own use; besides this, he put himself at the head of the English church, without materially affecting any articles of faith or forms of worship.

This was then considered by the Christian world a wicked and blasphemous usurpation; and the life of Henry, as well as many subsequent monarchs of England, would badly fit them to stand at the head of those who minister at the altar of the living God

But the course pursued served in a degree to diminish the amount of general reverence for the Pope, and the head of the British church. Many were led to examine the pretensions of both, and to discard the arrogance of mortals, who should dictate creeds and forms of worship. But at this period, there was universally adopted this principle, by all sects, that uniformity of faith was indispensable to religion. It never entered their minds, that honest men could come to different results upon so momentous and so important a subject. Wickliff, Huss, Jerome of Prague, Luther, and Calvin, and their respective followers, were equally sure of infallibility with the King and the Pope. They seem never to have seriously thought or actually believed, that the great object of the Christian religion was to make mankind lead pure and honest lives, and extend the principles of charity and benevolence, to inculcate forgiveness to enemies, and give a confident hope in the hour of death. Hence we may trace the cruel persecutions inflicted by the dominant sects in succeeding reigns.

Edward, the successor of Henry, is represented to have been a mild and amiable prince, but his reign was short. He died before schemes of ambition and the pomp of power had corrupted his heart or inflamed his passions. He left the throne to Mary, without ameliorating the condition of ecclesiastical affairs. His successor was wholly devoted to the papal See. She threw herself into the arms of his holiness, and laboured to atone for the heresy of her father, by a prodigal use of fire and sword, to produce uniformity in faith and worship, according to the canons of the Romish church. All who perished in these religious conflicts, were believed by their respective sects to have fallen martyrs to the true faith; so that, in every change of power, the lines of party became distinct, and the parties more confirmed in a faith as positive as actual knowledge.

Elizabeth, the successor of Mary, possessing all the masculine virtues, without a moderate share of the qualities which render the woman amiable in private life, was equally tenacious of prerogative as her father, Henry, and exerted her power to stop the progress of popery,—seated herself at the head of the church, and remained undisturbed in this seat during her long, and to the people of England, happy reign. She appears to have been more than half a Papist; but the love of power would not permit her to submit to the supremacy of the Pope. She treated the dissenters with great rigour, and placed them without the pale of law and humanity. The dissenters increased in numbers, in proportion to their persecutions and hardships. But the vigilant energy of the government, and her unyielding nature, made the bravest dissenters timid. Uniformity in religious faith and worship, was with her a grand and unvarying object; but, in many instances, much relaxation was granted to the Papists.

This change from popery to protestantism effected by Henry, and from protestantism to popery by Mary, and protestantism restored by Elizabeth, appeared more the result of human pride, policy, and passion, than the effect of divine wisdom. Contradictory systems always tend to destroy each other; and especially when they have been advocated and enforced by the physical strength of a whole kingdom. When the rights of both contending parties were examined, these several claims weighed, and the balance struck, nothing remained for either, except what was retained by the arm of power. Hence, in England, were many who disregarded the claims of both, and threw off the imposing forms of established worship, and established one of their own. These were principally the followers of Calvin. They intended to institute a pure and spiritual worship, unshackled by the canons and rescripts of human invention; and it seems to be granted by all writers of the day, that the lives of these people were more in conformity with the strict rules of moral duty, than that of any other sect in the kingdom; and from this they assumed the name of Puritans, and were known by that appellation till long after the emigration of a portion of them to this country. But it should be remembered that at this time they were few in number—a weak and inefficient minority. They could hardly be said to have acted themselves from the spontaneous impulse of principle and chastened feeling, for they were continually surrounded by spies and informers, to drag them to imprisonment, scourging, and death. It is impossible that we should discern a complete development of their principles; for, however daring and bold, they must have act-

ed under a partial disguise; undoubtedly much of human passion was enlisted on their side, for it is in our nature, and never has been on neutral ground in long and protracted controversy. However, we must behold them with admiration for their courage, which nothing can overawe, and for their constancy and zeal, which could brave danger, imprisonment, and death. Neal, in his history of the Puritans, gives a detail of the hardships and sufferings of this sect, during the reign of Elizabeth, so cruel, that whatever allowances we make for the times and circumstances attending them, we must see the unrelenting hand of a despot in a princess, where softness and sympathy might have been expected. The accumulated weight of distress heaped upon this class of Christians in England, France, and Germany, form a catalogue of horrors useful only to teach us moderation and forbearance in religious controversies; and that religion is a matter of conscience, and lies between man and his Maker.

James I., the successor of Elizabeth, came to the throne with as high notions of his unlimited power as any of his predecessors. His right to control the faith and consciences of men, was not to be questioned. James was a good natured prince, and valued himself much for learning, and his power of discussion upon all subjects. His object in matters of religion, was complete uniformity in faith and modes of worship, the reasonableness of which he attempted to show by argument. It seems that here he was unsuccessful; but what he wanted in argument and the arts of persuasion, he made up by absolute power; but this argument, enforced by power, did not convince or deter the unyielding Puritans. They held fast their determination to enjoy freedom in religion, and held equally fast the belief, that they were correct in matters of faith and worship; so determined and so confident were they in their principles, that civil liberty, disconnected with religious affairs, was hardly considered. Hence we find a whole congregation, with their minister, Mr. Robinson, in 1607, renounced their country and all its endearments, and settled in Holland, for the sole purpose of enjoying religious freedom. This was a most unequivocal mark of their sincerity, and devotion to their favourite object.

At this period the manners of the Puritans were rigidly austere—their long periods of fasting, and the length of their prayers and devotional exercises, approached, in severity, monkish castigation and corporeal chastisements. Their customs led to a belief, that they were the peculiar favourites of Heaven, and daily had peculiar converse and special tokens of favour from their Maker. But this removal to Holland by this resolute congregation, was by no means suited to their feelings and principles, although they were protected in all their civil and religious rights. The manners of the Dutch were not sufficiently austere. The youth of this congregation were insensibly drawn aside from the narrow path of puritanic discipline and walk in life, by the cold and frigid manners of the Dutch. The observance of the Sabbath was kept with a strictness surpassing the rigidity of the Jewish ceremony. Their fastings approached to starvation. No wonder, then, that the youth, and others who were not thoroughly saturated with enthusiasm, should intermix with the Dutch, and hail with pleasure, and even with gratitude to God, some relaxation from the severe duties of religion. The elders of this church were alarmed at the growing evil, and they resolved on another removal. Their attention was turned to the New World, where they should not be troubled by heretical neighbours, and where the youth would be kept pure from the contagion of loose morals.

This congregation, having obtained permission from James to settle in his territories, and also assurances from him of toleration in religion, determined to encounter the perils of the ocean, the hardships of the wilderness, and the dangers to which they must be exposed from the savage tribes who inhabited the shores of this new world. James was undoubtedly willing to rid his kingdom of subjects, which he could not subdue by confiscations, fines, imprisonment, and death—and indeed, of such as he could not quietly retain in his own kingdom. The public feeling was tired and satiated by frequent spectacles of horror, and the prisons had groaned a long time, by being overcrowded with obstinate and confirmed heretics. James granted them no aid for the voyage, or any facilities for commencing a new settlement. He undoubtedly expected that this wandering people would fall a prey to the hardships and diseases incident to new settlements, or be cut off by the na-

tives, or should any survive, their obstinacy being subdued, and spirits broken, they would relent, and return with humble submission to his royal will, and bring with them a lesson and example to the Puritans in England, which they would learn and imitate; or should they brave and surmount all the difficulties to be expected, and make a permanent settlement in his waste and uncultivated lands, his power would be extended, and the resources of the nation would be increased, without any expense to the crown.

Perhaps no course of discipline could be contrived by the ingenuity of man, so well adapted to prepare the mind and feelings for a great and hazardous project, as was imposed on the first settlers of New England in the mother country. The forty years travel of the children of Israel in the wilderness, directed by Deity himself, was not better suited to them for a forcible entry into the promised land. Frederick the Great never enforced a discipline upon his troops more severe, nor half so salutary, to prepare them for conflict and victory, as was forced upon our progenitors, to fit them to settle in a new world. Our forefathers were familiar with danger and distress in all its forms. They knew the ties of home and of country, and they had experienced the dissolution of them. They had endured poverty, cold, hunger, stripes, and imprisonment, and rose above them, and even death was disrobed of his terrors. Such were the people who landed at Plymouth in the cold of winter, in 1620, and of this character were the settlers generally in New England, firm and resolute in action, and in matters of religion, unyielding, and fully persuaded in the complete rectitude of their own peculiar creed, without a single ray of toleration, or any thing like charity for those who might differ from themselves in opinion. They insisted, with equal force and power, to coerce opinion, and control matters of faith, and produce uniformity in it, as ever were practised by a Catholic or Protestant monarch.

The early writers and historians of our country give us only the details of ecclesiastical affairs, the gathering of churches, dull and uninteresting accounts of ministers, church disturbances, the suppression of heresy, and barbarous and cruel punishments inflicted against it, and various bloody conflicts with the Indians. But enough is told us to lead to a correct knowledge of the nature of the government, and of the spirit of the times. We have often been told, that our first settlers were a race of stern republicans, who came here to enjoy civil and religious freedom. But no opinion is more erroneous. It is true they came here to enjoy their own peculiar system of religious faith and mode of worship, but not to admit or tolerate any other. Our republican feelings, institutions, and habits, which made us free, were purely accidental, and were by no means designed by the first settlers.

In 1629, about three hundred emigrants arrived at Salem from England, where they found a few families under the care of Mr. Endicott. These families undoubtedly were there to attend to the fisheries and carry on a traffic with the natives. Mr. Hutchinson says, in the ten succeeding years, more than twenty-one thousand settlers came to New England. About 1640, emigration ceased, owing to the ascendancy of the puritanic party in England, headed by the famous Oliver Cromwell.

The first General Court in the Province of Massachusetts Bay was held in 1629, on board the ship *Arabella*, moored in Charles River. This court resolved that every elector, or any person eligible to office, should be a member of some regular church. This edict, so often praised, made the government purely ecclesiastical. The power of the church to punish heresy, afterwards so frequently exercised, and also to determine, in all cases, what heresy was, laid prostrate all civil liberty. We shall notice the exercise of this power hereafter in several instances. There can be no question, that nearly all the males of every congregation would become members of the church, and it was in fact a stigma upon a man then, as it would be now, not to possess the rights and privileges of his neighbour. All offices were then elective, and we may presume, that office then had charms, as well as at the present age. Office seekers then had their views to subvert, and the requisite means at hand, as they have at the present day. If long prayers, abstinence, and a piteous whine, were required to obtain an object, they were as readily performed, as professions of love of country and the happiness of the nation are made in the present state of our republic. We may, perhaps, calculate the amount of sincerity in the early professors, as we now may calculate the amount of pa-

triotism of those who make loud and noisy professions of it. In both cases, perhaps, much credit will be given, but the man of experience will not be bound beyond the conclusions formed by the honest dictates of his own mind.

To repel the attacks of the Indians, to acquire their lands, and to guard against the various avenues where heresy might advance and make encroachments upon their religious system, were the only public employments of our ancestors. They were nearly as hostile to the deluded and mistaken heretic, as to the savage, armed with his tomahawk and scalping knife. It is true, that the heretic was first ordered to recant and renounce his wicked and erroneous opinions, but on refusal he was doomed to banishment, and on a return to the province was to suffer death. But with the Indians there was not perpetual war; there were times of peace and a friendly interchange of kind offices between them and the whites, but there was neither truce nor peace with heretics.

In 1634, Roger Williams, who had been a distinguished minister at Plymouth, and afterwards at Salem, was banished the colony for holding many exceptionable tenets. He was enthusiastic in his sentiments, and had in great abhorrence every relic of popery, and any conformity to the protestant episcopal church of England; yet he was no persecutor. His declared opinion was, "that to punish a man for any matters of conscience is persecution." His attachment to this principle, so worthy of an enlightened mind, was fully evinced by his subsequent life and conduct. Mr. Williams went south, without the jurisdiction of the province, and settled in a place, now Providence. He obtained a charter from the crown of a district called Providence Plantations, of which he was a long time governor. Here he displayed all the mild and Christian virtues. His province was the asylum of the oppressed and persecuted of all sects and denominations. Mr. Williams possessed a mind more than a century and a half in advance, in liberality and manly thinking, to his contemporaries in New England. His example is scarcely equalled in brightness at the present day. It is true we have not at present actual persecution in matters of religion or conscience, yet the hollow murmur of heresy too often rolls through the gloomy recesses of the dark, and its labours sometimes are exposed to the light, attended with the fierce and intolerant spirit of ancient times.

The case of Mrs. Hutchinson is worthy of consideration, since it shows more unequivocally the temper of the times, the state of the church, and the important and religious triflings of synods and councils, composed of the civil and religious dignitaries of the colony. Mrs. Ann Hutchinson came to Boston, in 1636. Her husband was a man of good estate, and of much note and esteem among the people. He several times represented the town in General Court. She was a woman of good education, of a lively imagination, and of distinguished zeal and piety. She attracted much attention in Boston, was greatly caressed by Sir Harry Vane, the governor, and treated with marked respect by Mr. Cotton and Mr. Wheelwright, two very distinguished ministers of that day. Her house became the resort of religious females, to whom Mrs. H. expounded the Scriptures, and made her remarks upon the sermons recently delivered. She was greatly extolled for learning and an ardent piety. At her lectures, she had an attentive and crowded auditory. Whether her popularity gave the alarm to the ministers of the other sex, who chose rather that women should listen and obey—or that the good lady actually stepped aside from the narrow and mysterious path of prescribed faith, we have not sufficient documentary evidence to determine. But certain it is, that she was charged with heresy, and brought before the governor, deputy governor, and council of assistants, the teachers and elders of the churches, assembled in conclave at Cambridge. A historian of that day says, "the heresy she propagated divided the people, and came near bringing destruction upon church and state." "Fortunately," says he, "by the vigilance and prudence of Governor Winthrop, the evils and mischiefs of her heresy were brought upon herself."

This grave and dignified assembly continued in session at Cambridge for three weeks; and all this time they spent in fervent prayer for divine light and direction, and in interrogatories put to the accused with all the subtlety peculiar to scholastic divinity. Every member of this synod was a grave inquisitor; and what is remarkable in this transaction, is, that a female, unassisted by

counsel, should be able to stand this length of time in presence of this most dignified and learned body, and answer, defend and reply to it, individually and collectively. The council must have been greatly embarrassed; and this is manifest from the long period of its session. But the charge of heresy was a crime hard to defend, and we have no records of a complete acquittal in such a case. At the conclusion, the synod found that Mrs. Hutchinson entertained more than eighty heretical opinions in matters of religion! These opinions she was ordered to recant and renounce, under the penalty of excommunication and banishment from the jurisdiction of the province, and not to return under pain of death! Mrs. Hutchinson did not renounce to the satisfaction of the church, and she left the province according to sentence.

Our grave historian does not inform us how many correct opinions this lady had, but charity would lead us to conclude that she had some. So plain are Christian precepts and Christian doctrine, that it is a matter of surprise, that a person could entertain more than eighty distinct heresies. We have not the curiosity to inquire more particularly into the doctrines or discipline of the church at that time. It is apparent that much, and perhaps the greater part, was mere serious and holy trifling, wherein the heart and understanding had very little to do.

It is manifest from history, that the inquisitorial powers and arbitrary proceedings of the Cambridge synod, were not wholly approved by the people. They must have seen the hand of oppression in the long and protracted inquiry, and cruelty in the sentence pronounced against Mrs. Hutchinson. This may be fairly inferred from the nature of the transaction, unless we suppose the last feeling of sympathy and the generosity natural to man to be wholly extinct. That this council was censured is evident; for at the next general court a law passed rendering it highly penal for any person to censure or comment upon the doings of ministers or magistrates. It was tantamount to saying that ministers and magistrates "could do no wrong."

It was expected that numbers of Mrs. Hutchinson's friends and adherents were on the eve of embarking to this country. This gave alarm to the people, and that they might guard against so great an evil, in 1637 the general court took the matter into hand. They intended to preserve entire the absolute power of the church at the expense of humanity and ordinary justice. The general court passed a severe law against entertaining strangers in their houses, or selling lands to them, or affording aid, as, we now conceive, the common principles of humanity enjoin. By the two laws above mentioned, the right of expressing an opinion of censure, or making any comments upon the doings of ministers or magistrates, and of showing hospitality and kindness to strangers, were wholly taken away and rendered highly penal. It would require a wonderful degree of chymical knowledge in politics and religion, to find a single principle, upon which our republican liberty of any kind could claim growth and residence at this time. For the liberties of our country we must look to other sources than the principles of our ancestors at that day, or till long after the restoration of Charles II. For the government was completely ecclesiastical, and equally arbitrary and despotic as any government in all Christendom.

Our early historians dwelt much upon remarkable providences, and the frowns and favours of God; so that His clear and manifest counsels were open and known to the people. If a heretic should die of a fever, break a limb, be taken captive by the Indians, or killed by them, they would see, in all this, the just anger of Heaven, and deserved punishment and displeasure of God towards them. Should the same pious historians revisit New England, and see the great variety of sects, and not one pursuing the course of the then dominant party, they would think that our Heavenly Father had neglected his business, and ceased from his watchful care; otherwise we should all have been exterminated without distinction, for having violated the primitive and puritanic faith. They might bewail our departure, but if they possessed the kindly feelings of humanity, they would rejoice to see errors corrected, abuses reformed, and the principles of justice and charity widely extended; so that, except in some strongly excited people, shadowed by ignorance and strong and gloomy prepossessions, the different sects live in harmony, without any provocation, unless it be "to provoke one another to love and good works"

Our ancestors separated from all other religious sects by their own acts, and guarding at every corner against heresy, soon became sensible that time would shortly lessen the number of elders and teachers, and many more would be required to supply destitute flocks, daily increasing by natural growth of population, and by emigration. Those who could afford to send their sons to the mother country for an education, would not harbour the thought of exposing them to the heresies of the established church of England; and above all, on their return to the province, these sons would be a medium to communicate doctrines so much detested. There were very few in the province of sufficient wealth to give their sons an education in a distant country. All these circumstances combined, our progenitors looked to their own resources, and resolved to educate their sons at home for the ministry, the only liberal profession of that day, and in fact, all that was great and good in society. For this purpose, a college was established in Cambridge as early as the year 1638, for the sole and express purpose of educating and raising up a learned ministry. Common and public schools were also established, that the youth might be able to read the scriptures and the standard works of puritanic faith and discipline in our churches.

Cotton Mather, who wrote voluminously and reasoned sparingly, if he reasoned at all, states explicitly the object of the founders of our college, and the object of our common and public schools. This writer says nothing upon the principles of civil liberty, nor does he any where advocate the rights of conscience and private judgment in matters of religion. These were unknown in his day, and his writings serve only to show the darkness of the mental atmosphere. Dr. Mather filled a great space in his time, both in church and state—for church included both. In his writings we have specimens of the greatest fanaticism, the most shameless credulity, that ever escaped the lips or pen of mortals. His account of the flying vessel and the Salem witchcraft, and the latter upon his own knowledge, are enough to give a lasting stamp upon his own character, and mark in capitals the spirit of the times. We hope not to offend by our remarks; but we would rather wish that our institutions, so wisely calculated for the happiness of our nation, and as blazing examples to the world, should be traced to their true and legitimate sources. We have so long been in the habit of extolling our brave and venerable forefathers, as if they came pure from the regions of blessedness, pious, devout, and patriotic, that they with political foresight laid the foundation of our republican liberties, that we shall not be disappointed if we do not obtain full credence, when we state, that our liberties, both civil and religious, were accidental, rather than designed. We have no need to call to our aid any thing like a fabulous origin of our race—we have no need of a "*she wolf*" to nurture our ancestors, or to carry off in a tempest the founders of our churches. We have only to follow the march of mind, attended with local circumstances, to account for our freedom and our goodly institutions. We ought to value highly every thing done by our fathers, the fruits of which we daily reap; but by no means ought we to suppose that our ancestors had powers and faculties, or wisdom, superior to those of the present generation—for we must remember, that their whole business was to repel the Indians, and acquire possession of their lands, to preserve uniformity of faith and practice in matters of religion, and to guard with sleepless vigilance against heresy.

It is not the present object to censure with severity the acts of the ecclesiastic government of the colony, and much less to apologize for them. We could not offer any thing to extenuate the cruelty, or even guilt, of punishing four Quakers in Boston, with death, about the year 1660, for heresy. This rigour in discipline has often been passed over, if not with applause, certainly with the plea of necessity—this necessity we could never understand. Dr. Increase Mather, once a promoter of these cruel and bloody proceedings, in time relented, and denounced this intolerant spirit. The colonies of Plymouth and Massachusetts obtained no advantages by such proceedings over Rhode Island, Pennsylvania, and Maryland, where religious persecutions have never been known. Governor Winthrop, in the last days of his life, when urged to sign a warrant, to carry into effect the decrees of spiritual domination, said, "I have done too much of this business already," and refused his signature. When such men as Governor Winthrop and Dr. Increase Mather, in the cool of the evening of life, when

objects of earthly power were in subjection to reason and conscience, gave their decided and unequivocal opinion against cruel coercion in matters of faith and modes of worship, what must we think of those of the present day, who stand their professed apologists, and represent the present, compared with former times, as the period of impiety and irreligion?

We know that our fathers have been praised with the extravagance of eulogy, and we acknowledge that they have strong claims upon us for respect and reverential regard, but we cannot bestow upon them any thing of commendation for piety and love of religion beyond what now belongs to the present age. We would ask the most enthusiastic admirer of the puritans, whether he would now desire to exchange his turn of existence, and spend his life with such a people, or wait and stay with the present generation, till he returned to the dust? We believe that he would not be inclined for a change, and we are confident that the present circumstances of our country are such, that no period since the first settlement of it has been equally propitious to the man of science, the artisan, agriculturist, and merchant. The man of benevolence and charity will hail the present as the holyday of holy affections, compared to any former period. We, in fact, belittle ourselves, as did many of the Patrician families in Rome, by a constant strain of panegyric upon *our venerable forefathers, and pious pilgrims.*

Liberty is natural to man, and we can scarcely find an instance since the creation of Adam, that man has not exercised that liberty when in his power. Our ancestors did this, and were cautious in leaving a single trace of neglect in their course. But they did no more than what has been done in the mother country. The British parliament from the time of King John, when they wrested from him his magna charter, which he nor his successors ever observed, unless in extreme peril, and to avoid a revolution, have seized upon every circumstance to extend the liberty of the subject. Even what the British call their constitution at the present day, is an invasion upon what was once the acknowledged rights of the king. The increase of knowledge, directing physical force, is the origin of modern liberty; and this liberty is more or less extensively enjoyed according to the degree of knowledge and other accompanying circumstances favourable or unfavourable to the attainment of the object. The love of liberty was as great in Britain at the commencement of our revolution as in America, but circumstances in regard to the enjoyment of it were different in these two portions of the world.

We would not here be understood that Great Britain was then ruled in despotism. The person, property, and reputation of the subject, were as well secured and protected at that period in the realm, as at any subsequent time, in this or any other country. Where these rights are secured by permanent and equal laws, aided by the trial by jury, there must be liberty, let the form of government be what it may. We have, in a great measure, in politics, said what our ancestors often repeated in regard to religion, that none could be genuine, except the one of our own creed. The object of religion is to make men good, and the object of government is to make the governed secure in their rights, promote industry, encourage learning and enterprise, and make the nation contented, safe, and happy. When these objects are attained, the names and forms are of minor consideration. The mind of man has never been able to devise a system of government so well adapted to the feelings, habits, and circumstances of a people, as our own is for us; but we should greatly err, should we suppose that our constitution and form of government were suited, under existing circumstances, to almost any other nation in the world.

From the first landing of our ancestors, in New England, till the year 1692, if we except the rule of Sir Edmund Andros, which lasted about two years, all officers were elective. Plymouth and the Massachusetts colonies were as free in the management of their affairs in the election and support of their rulers, as the Commonwealth is now. The lands were parcelled out in such manner that every one had enough, and few had any to spare. A monopoly was not sought, except by Mason and Gorges, who probably failed in the accomplishment of their wishes, for this very reason. Industry and rigid economy were requisite among the early settlers, to obtain the means of subsistence. Almost every settler had a freehold estate, that he would claim as absolute property—he had no tithes, rents, or service to perform, as the condition of his te-

nure. This raised him to the dignity of a peer of the realm, in all respects, but a seat in the house of lords. He acknowledged himself a loyal subject, but felt no gratitude to the king, for he or his ancestors never received any acts of parental kindness for which they should return any sincere acknowledgments. The story of the wrongs which were suffered at home, and the actual labours and hardships endured here, without aid or assistance, were enough to extinguish all sincere regard for king, queen, lords, and commons; and above all, the abhorrence with which they beheld the religion of the court, amounted to absolute hatred.

But from the influence which the French had with the natives, the common enemies of the whites, by means of the Jesuits, our ancestors could look only to the mother country for aid in case of extremity. This almost continual and common danger operated powerfully to restrain and keep within bounds the common and uniform feelings of the colonists towards the parent country. The great number of people, to whom our ancestors were connected by family and friendship, at home, was another tie which bound them to remember Great Britain with partial affection. Our fathers had much more loyalty upon their lips than was felt in their hearts. Until the arrival of the new charter under William and Mary, excepting the short government of Andros, the colonies exercised all the rights and privileges they could desire, and these continued for a period of more than sixty years. Many of the settlers were born and bred with this free exercise of right; so that they could not be divested of it, without an invasion of their best and dearest privileges. The crown took care to control their commerce, and profit by it. The duties levied on goods in England, exported to the colonies, were acquiesced in without a murmur, and these duties being paid by the consumer, were scarcely felt or thought of here.

Sir William Phipps, the first governor under the charter of William and Mary, arrived here in 1692. By this charter, the governor, deputy governor, and secretary, were appointed by the crown. The judicial department was appointed by the executive, at the head of which was the governor, who represented majesty itself. The people chose their representatives, who, in general court, elected a council, to assist in executive duties. The general court could make no laws to have any force or effect, if the crown should disapprove of them within three years from the time they were enacted. Power was reserved to parliament, to make laws, to regulate our trade, and legislate for us in other cases; and these statutes were to be binding upon us. This charter prohibited any religious test in regard to the elective franchise. By this, an end was put to ecclesiastical tyranny; and from the time the provisions of this charter went into operation, we may date the cry of the decay of religion in our country. We may also, with more truth, state the gradual decay of hypocrisy, and from this period, the commencement of bold and correct reasoning, and the introduction of common law and common sense in courts of justice. By all these our liberties were deeply rooted, had their growth, and have arrived to maturity.

When Governor Phipps came here, he found the colonies distracted with ecclesiastical matters, at the old business of hunting out and punishing heresy, to the almost total neglect of civil affairs. Although the people were deprived of a voice in the choice of some of their rulers, they gained much in other respects. They were freed from ecclesiastical domination, under which republican liberty never has, and probably never will be enjoyed. The one depends on an accurate development of our natural rights, and the methods to make them secure against passion, pride, avarice, and hostile attacks at home, and from our enemies abroad; the other depends wholly upon the credulity of the people, and a complete surrender of private judgment and the reasoning powers to fallible man, inflated with spiritual pride, and armed with physical force.

This charter, framed with so much caution as to restrain the colony in all acts of legislation, unless these acts were conformable to royal will and pleasure, left not a trace of liberty to the subject. The resistance to the measures of Great Britain afterwards made by the colonists, could not be for a violation of any rights secured by this charter. The rights exercised under former charters were expressly taken away by this; but the love and fondness of former rights and privileges were increased by privation, and enkindled into a flame the bosoms of the thinking and intelligent men of our

country. They saw nothing but complete and absolute subjection which awaited them. The habits of the people firmly fixed, and the great increase of population, and a good share of knowledge generally diffused among them, and this knowledge, and those habits, all favourable to resist encroachments upon natural rights, excited the jealousy of Britain, and caused her to adopt measures that could not be borne, and such measures as were successfully resisted.

In practice and in principle, the colony lost nothing, but gained much in the emancipation from religious tyranny. Whatever of liberty had been granted was enjoyed, while practicable, and was never forgotten. The recollection of past privileges remained in their minds, fresh as the existence of perpetual spring. These feelings and habits were not to be controlled by charters, and they afford a lasting example of the complete futility of compacts of a national character, when these compacts are opposed to national habits and feelings. In the great question which separated this country from Britain, our fathers did not confine themselves to the provisions of the charter of William and Mary, but claimed the right of representation in parliament, as a condition upon which a revenue should be raised in this country for the use of the crown. This representation they knew was impracticable; and in regard to the revenue, it had been imposed upon them by exactions at home, and acquiesced in for a long period. In fact, our remonstrances and petitions acknowledged the right of parliament "to regulate our trade," even at the commencement of the American revolution. This undoubtedly meant the imposition of import and export duties. We cannot see any difference in principle, whether these duties were collected in a port of Great Britain, or in Boston.

But the difference of places in the exaction of revenue could not alter the principle on which it was exacted; yet place had a powerful effect upon the minds of the scrutinizing and watchful public. Our leading men knew the power and influence which office has upon the people; they knew that these revenue officers were numerically so many spies upon their liberties; and that by style of living and caresses, these officers would allure some, and by that hauteur and manner, the frequent concomitant of handsome salaries, would deter more to a complete acquiescence to the raising a revenue here. The resistance to the acts of these *exactors* shows a degree of sagacity in meeting the insinuating influence of men of rank, from the highest grade down to the petty placeman, and must command our admiration and applause.

The great Earl of Chatham, Burke, and others, who knew well our character, and who were the reputed advocates of the colonies, never pretended that parliament had invaded chartered rights; but the measures pursued by ministers were inexpedient and impolitic, that they had a direct tendency to exasperate the colonists, and injure the dignity and happiness of the British nation. They recommended measures to soothe our feelings and hold fast our trade, but not to surrender a single principle for which we then contended. Had such measures been adopted and pursued, as recommended by the noble earl, the independence of the colonies would have been retarded for more than half a century. The leaders of our revolutionary struggle claimed rights and privileges granted by former charters, which had been annulled, and reasoned from the impulse of habits, and upon the true principles of civil liberty, and they came to results which gained our complete emancipation. With them independence was the grand object from the first and serious difficulties with the parent country. We presented humble and loyal petitions to king and parliament with one hand, while we held the sword in the other. It is not a matter of astonishment, that these petitions were not graciously received. Had the colonies been sufficiently strong, and their strength sufficiently concentrated, these humble petitions would have never been sent across the Atlantic, nor would the date of Lexington battle have been the first in order of conflict.

If positive resistance was not intended, why were companies of minute men organized through the whole colony? What meant our committees of safety and correspondence? Why were magazines of warlike stores placed in various parts of the country? And for what purpose were the British troops under General Gage so narrowly watched, and their particular movements made known in all parts of the colony, while the troops were closely besieged in Bos-

ton by public opinion? Hancock, Patrick Henry, the Adamses, and other distinguished men of that day, knew too well the pride and power of the British nation, to petition the throne in hope of success under such warlike and daring attitudes. They did what will be done in all countries, where the education, habits, and moral feelings of the people, concur to promote so noble an enterprise.

We have seen that the foundation of Harvard College was laid in the fear of propagating heresy, and receiving any thing from the mother country which could possibly entail upon us so great an evil. It must be confessed, that New England, at the time of founding the college, had many learned men among them. But their learning was chiefly confined to the clergy; and we may here acknowledge, in sincerity, that the clergy have been the main depositories of science here from the first settlement of the country, nearly to the present day; and from this class of men, we have received more light and knowledge than from all others. Our fathers looked well to their own resources, and have seldom been remiss in making the most of them. From this we must attribute the degree of advancement in science and the arts, to which New England has attained beyond most of her neighbours. We find the effect of this in the persevering enterprise of our young men and citizens, who have, with much advantage, incorporated themselves with our sister States. In fact, the common and general good has thereby been greatly increased; an impulse has been communicated, which will be felt for generations yet to come.

Virginia, the oldest state in the Union, settled at the expense of the crown, nurtured for years as an only child, felt not the necessity to look to her own resources. She was always dandled in the lap of complaisance. Her religion was congenial to the mother country, and she drew her nourishment from the breast of parental kindness. She had all the assurance and importance of the child of a rich and indulgent father. She sent her youth to Cambridge and Oxford, in England, to be educated, where they were, in many things well instructed, and where they drank deeply of the prejudices against the puritans. To deride with ability our New England habits and principles, and beat *poor Jonathan* soundly, was the first point in a complete *Virginia* education. He felt the dignity of his church, he remembered with pride the loyalty of his colony, during the *Rump* and the protectorate of Cromwell, he contrasted the manners in religious worship between his own and the colonies of New England; while he repeated his liturgy with the "ore rotundo," he could not but feel a hearty disrelish to the *singsong* manner of the puritans, who distorted their faces, and tortured their language, to resemble nothing which belonged to the protestant episcopal church. These northern peculiarities became his pastime, and to transmit them down to succeeding generations, was a labour of some exertion and much pleasure, but at present exercised with limited success.

In Massachusetts every thing which belonged to the episcopal church was treated as antichristian, and carried the mark of the *beast*. Christmas holydays were forbidden by law. Perhaps no two colonies ever existed with more strongly marked and defined antipathies than the Massachusetts and Virginia. Unlike in education and habits, the one driving from her jurisdiction all puritans, the other equally unbending and stern to all episcopalians, separated by a great extent of country, they scarcely felt for each other according to the dictates of a common humanity.

While a law imposing five shillings fine for observing a Christmas holiday in Massachusetts was in force, Virginia gave full scope to all the festivities usual on such occasions in the mother country. The social and convivial feelings of man could not, with alacrity, forego all pastime, and be resigned to abject sobriety in the form of religion. Our ancestors well knew this, and set apart one day in the year, previous to Christmas, as a day of public thanksgiving and praise to our Heavenly Father, for the mercies and favours of the past year. But in this, there should be no resemblance of an episcopal Christmas. We may here observe, that our puritanic institution answered all the purposes of bringing together family, friends, and connexions, and afforded a multitude of enjoyments of the social kind in the short space of one day, before satiety could degenerate into disgust, and much more conveniently suited to good morals and the condition of the people, than the twelve days of Christmas observed by the episcopal church. There can be no doubt that we varied in our food, and substituted pump-

kin pie in room of the antichristian plumb pudding, and used some exertion that our thanksgiving should not resemble a Christmas dinner. Our pies, and manner of reading, and devotional exercises, now caricatured by our southern neighbours, are sufficient proofs that we were offensive to the southern colonies; and from our own establishments and customs, we cannot suppose that they were our favourites.

Virginia was the great mother and leader in the south. She was proud of her ascendancy in the affections of the court, and took to herself a peculiar complacency in regard to religion. She drove from her colony all dissenters from the protestant episcopal church; and, by this ill timed and cruel policy, built up Maryland to become a rival in trade. In return for her affections for the crown and the church, she obtained extensive credit at home, imported largely the luxuries of Europe, and assumed a style of living, and a grandeur of deportment, far beyond any sister colony. It is hard to retrench when the charms of good living are well known to a people. The expense of educating their sons in England, and by private tutors at home, was no addition to economy or frugal habits among the Virginians. Their expenditures were great beyond ordinary income, so that in time a large European balance of debt had gradually increased, and amounted, according to their own statement, to more than they were then able to pay.

While our southern friends lived in much ease and great splendour, eating the luxuries of Europe, and wearing foreign fabrics, and their sons drinking at the full fountains of science in England, we were looking well to our own resources, avoided a large colony debt, and left individuals unembarrassed in their circumstances. Our sons drank of the wells dug by their fathers, and preserved their identity with their countrymen; and if not so learned, they made a favourable impression upon the public on the side of economy and simplicity of manners. All this was accomplished here from the fear of heresy and hatred of the episcopal church. We cannot trace the origin of our college, and the establishment of our schools, to other sources. This fear and hatred did not exist in Virginia, and there public education was wholly neglected. The college of William and Mary was early established, but has had only a languishing existence. The fact is, the people took no degree of interest in the establishment, and sent most of their sons abroad, or without the colony, to be educated. This must ever be the issue of all literary establishments under the like circumstances.

During this period, our New England colleges were well appreciated by the people, and generously patronized; and have proved sources of great moral and political worth to the public. From them, we have obtained a rank in the literary world beyond our neighbours of the south, and the moral impulse given by them to all classes of people here, are such as distinguish us from our less fortunate neighbours. But we can by no means say, that these effects of education were designed, or even contemplated, by our ancestors—they are, in fact, the production of accident. We can neither believe, that the Virginia policy was so pursued to produce the effects already witnessed. Virginia has never been charged with the want of self-love and self-respect, nor with the want of acute discernment to ascertain her own interest, nor with not bringing forward the measures to promote it. The different results, in regard to education, in both Massachusetts and Virginia, must be attributed to accident, rather than design. Should we say that they were designed, we should claim a compliment for ourselves, of which our fathers never dreamed, and of which Cotton Mather, in his time, never heard, or he would have placed it in his *Magnalia*; and at the same time, we should cast a reproach on Virginia, which she ought not to bear, and which she by no means deserves.

But the pride and aristocracy of Virginia have been equal to that of lords, dukes, and nobles. She could not assume any thing on the score of her resources beyond her sisters, and nothing from her origin and ancestry, which could be subjects of boasting. Many, very many, were descended from mothers "who came to try their luck in Virginia," and were purchased by their sires with tobacco, at prices according to the quality and soundness of the article. The resources of that commonwealth at the present day, and of her industry, hardly keep pace with the other states in the

Union. She has produced men who would do credit to any civilized nation in the world, and one, whom we all acknowledge was emphatically the father of his country; yet, for many years, her influence in the councils of the nation has declined with the decline of party feeling, and her overwhelming influence and power receded in proportion to the test we have made from experience. We could wish to cast a veil over some portion of what has been, but we would by no means attribute any thing to corrupt motives. We must blame ourselves, that we elected many to the office of public servants, who had little knowledge, and less political honesty. These men, without much training, stood on their ground, and kept their ranks filled, in array against their own constituents; and the victory being now won, it is with reluctance that the victors lay aside their weapons. But we hope not to arouse any unpleasant feelings, or blow into a blaze the embers which a long time have been sleeping.

At the commencement of the revolutionary war, the most difficult thing for solution is, that all the colonies united and made common cause against the parent country. As has been already observed, Massachusetts in the east, and Virginia in the south, were the two great and leading colonies. They were not equally oppressed by king and parliament; the one, a favourite of the court, and shared largely of the royal bounty and favour—the other, never a favourite, alienated in affection from oppression at home, and heavy exactions abroad, and both differing in religious forms and creeds, and obnoxious and hateful to each other on that account. How happened it, that they should both coalesce in decided opposition to the mother country? How could men unite in arms, and in their physical energies, when they could not mingle their prayers at the altar of their common God?

The Massachusetts colony was oppressed and cruelly treated, and the measures adopted against her, were unworthy of the British crown and nation. But those oppressions were not dealt out to the colonies generally—some of them had no cause of complaint; but all had cause to fear the weight of the heavy hand laid upon Massachusetts. They undoubtedly viewed the measures of king and parliament, as a rod *in terrorem*. If the oppressed colony had submitted, the restrictions and exactions imposed were so great, that the discontented and aggrieved would have soon left it, and sought a residence in some of the sister colonies, less oppressed and less aggrieved. They would have carried with them a discontented spirit, and a spirit desirous of the enjoyment of political liberty, and would, from the natural propensity of man, have carried this spirit and infused it at the place of migration. The vindictive temper of parliament would have watched with sleepless vigilance every motion of the malcontents, and have visited, in vials of wrath, every symptom of disloyalty and disobedience; so that, sooner or later, each colony might expect a similar course of measures adopted for her, as had been imposed on the colony of Massachusetts. These are such reasonings, as might, we think, have been used with propriety at the epoch of our revolution. They were in some degree familiar with the statesmen of the several colonies, we well know; but that other circumstances strongly operated in the decision of the colonies to meet force with force, and "try the tug of war," is equally well known.

From the character of the people of New England, and their warlike preparations, the other colonies could not doubt her intentions to manfully resist the cruel acts of parliament, and the first encounter with the veteran soldiers of England, fully justified this anticipation, and taught the haughty Briton a lesson of circumspection, which lasted for more than seven years. For one colony to assist in enslaving the others, would have been subversive of the principles of common justice, and would, at the same time, have been an avowal of sentiments which would have prepared the way for complete slavery with themselves. But, we apprehend, although similar reflections had weight with the Virginians, there was another subject equally weighty, which fixed their resolution to make common cause with New England in resisting the parent country.

The great amount of debt due from the merchants and planters of Virginia, to creditors in England, was more than they were able to pay; and it was expected, that a war with Britain, ending in the independence of the colonies, would fully liquidate and cancel this great amount. Two great and important objects, then, would be attained. This position is greatly strengthened, if not fully con-

firmed, by subsequent facts, which took place in the State of Virginia, and in the halls of Congress. The violent opposition made to the commercial treaty of 1794, between the United States and Great Britain, commonly called Jay's treaty, must lead to the conclusion, that the payment of these debts by the war, was not an insignificant object in the struggle. The most active and strenuous opposers of measures which were adopted to carry into effect that treaty, by which British subjects should find no impediments in collecting the debts of our citizens, were peculiarly caressed, loaded with honours, and overwhelmed in the affections of the people. On the other hand, those in Congress who laboured for its ratification, and struggled hard and successfully to procure the measures necessary to carry this treaty into effect, were loaded with reproach, and Washington himself did not escape without severe censure.

After a lapse of thirty years, we can look back upon transactions, and weigh circumstances and opinions, and find many ingredients which, in the smoke and heat of passion, were wholly obscured. What is called patriotism, is often the result of some sordid self-interest, some unhallowed prejudice or violent hatred, and much sagacity and dispassionate judgment are requisite in forming and giving a correct decision upon public measures in time of great political excitement. It is no certain mark that a man tenderly loves his own family, because he bitterly hates his neighbour. We have several flagrant and well authenticated instances which transpired during the late war with England, and which show that some public men regarded their own private interest more than they did the public good or the laws of the land; and what has been, we again expect under the like circumstances.

In regard to education, Virginia has commenced where Massachusetts began nearly two hundred years ago, by founding a college and using laudable efforts for its encouragement and support; but in one particular, she differs much from us. She has imported largely in teachers from Europe to fill the several seats of instruction in her new college; and in this particular, it is hoped, that the balance of trade will not be against her. But there is something in this importation which shows a want of knowledge of the character of New England men, and of their literary acquirements, or a strong partiality to England, indicative of a return to "her first love;" and that Virginia should prefer gentlemen bred and educated in a monarchical government, to teach republican principles and enforce republican habits, is strange indeed. The time has been, when such an act in New England would have substantiated, in the mind of a Virginian, "a bold and wicked attempt to dissolve our Federal Union, and again put ourselves under the protection and government of the British king."

New England has often been arraigned at the public tribunal, on information of the ancient colony, and charged with crimes and heresies—to all which, New England has pleaded not guilty, and hath put herself upon posterity. New England could not subscribe to the requirements of the south, and the south has been too proud to confess an error, but come to the right about; yet still persists, that she has not changed the line of march. We care not, whether the people discover it, or not; but in a practical point of view, this change of course is of some importance—for we have never considered public men raised to a high degree of sublimation, who could act contrary to their public and openly declared convictions and settled principles.

Climate and productions have, and always will cause, a difference in manners and customs in all countries, as well as the origin of the inhabitants. But as it respects New England, Virginia, and some of the southern states, the lines of distinction which so plainly defined them, are now less vivid and fresh; the original demarcations were imported into both sections nearly at the same time. These limits have continued, and probably will continue for centuries to come. Although the partition wall of separation is broken down, yet the effects of this wall will long remain. We have now no religious test, nor any tribunal, thank God, to punish by banishment, fines, imprisonment, stripes, and death, for heresy; but we have some imaginary lines of distinction, which will be done away in time.

Since many in the south laid a foundation to fame and consequence, by their opposition to Jay's treaty, and by that means have provided well for themselves and families, by a monopoly of honourable and lucrative offices, it would be fair and just to bring

again this subject, as well as many others connected with it, and growing out of it, before the public; for at the public tribunal all public measures must be tested, and have their award of merit or demerit, accordingly as the people are benefited or injured by such measures. Such a course is due, not only to individuals, but to the nation,—that we look dispassionately upon measures, at the cool of the present time, and take a fair and manly view of the whole. Mr. Jay is not alive, but his worth and worthiness are not questioned by the most fastidious and squeamish politicians, who contribute their effusions to the veriest sinks of the nation. We should look back to the object of our departure, and examine well the course which we have steered, to the motives and skill of our pilots, in order to come to a correct conclusion, whether our voyage, under all circumstances, has been so prosperous as it ought, or might have been, under the direction of dispassionate councils and prudent and firm management. The above subject, and many others, which have agitated and convulsed the public mind, demand investigation. The present generation owe it to posterity and to the world.

The New England people, from the first arrival of the puritans upon our shores, as far as their limited and intolerant principles of religion would admit, have uniformly been republican in habits and in manners. If not so from inclination, and a common feeling, they were republican from circumstances, all being involved in common labour and industry, and from the absolute necessity of situation. Our fathers have left our common schools, and a wholesome law, to perpetuate them in their high standing and purity; our colleges and churches, as lasting monuments of their moral and political excellence. In vain shall we look to other portions of the United States for similar and noble establishments. We would not boast of our principles, habits, and manners, and the amount of general information among the people, but we have a right to make these observations with some self-gratulation. Our fathers, or those of the present day, have not been republican in theory and aristocratic in practice. There has been a harmony in principle and practice, which has emanated from a long and practical observance of the natural rights of man, brought in subserviency to his most substantial good. We choose the dull and slow method of determining differences, wherein the dearest rights of the citizen are concerned, by established laws and legal forms, to the quick and capricious decision of the rifle. In sober and correct thinking, we have without doubt surpassed the south; but in genuine hospitality and cordial reciprocation of kindly feelings, we cannot claim any superiority. But the great and prominent events, which have in appearance divided the north from the south, will in some day be analyzed, and honour will be given to whom honour is due. Posterity will demand a severe investigation, and will not be silenced or satisfied by a few cant phrases and epithets. Some Hume or Robertson will rise up, and place before posterity the deeds of our fathers and our contemporaries, with their proper lights and shades, for the instruction of generations yet to come. The records of our time will afford ample and sufficient materials.

The great contest in our happy republic is for place and power. We cannot think that these can give so many joys, and the satisfactions of a brief hour upon the stage can have so many charms, that every fibre of mind and body should be exerted to attain them. The mind must reach to posterity, and anticipate the solid and lasting honours to be bestowed by after ages for good and upright conduct. Nero and Caligula, in their own time, had their respective eulogists, as well as Aurelius. Upon their characters, public opinion is fixed; the names of the two former have become epithets denoting the worst and most malignant combination of qualities that ever existed in the mind of man. Let not the fortunate aspirant from any section of our country, indulge the thought, that he shall pass on unnoticed by subsequent historians. They will tear off the mask of the hypocrite, and show the deformity and true lineaments of his face. Facts will be faithfully recorded and preserved, and will speak for themselves, when present interest, prejudice, and partiality, will be for ever buried. Perhaps such an historian of the events since the formation of our constitution, need not at present give the result of his labours to the public, since some, and even many, of the great actors are now alive, who took conspicuous parts in many important transactions; but he might with much propriety have in readiness a faithful narrative of all

CHAPTER VI.

RHODE ISLAND.

THE circumstances which originated the settlement of Providence and Rhode Island, have necessarily been recorded in the history of the Massachusetts colony. In the year 1634, Roger Williams being banished, for his too liberal opinions, or for his zeal

important events from the close of the revolutionary war to the close of the administration of President Washington. This period will include a time of great labour and much and complicated difficulty; a period, the events of which, should be well studied, and completely understood, by every freeman of the United States. In this time, the French revolution which convulsed all Europe, and shook to its centre our republic, burst forth like a tempest, threatening general destruction. In this period, our own politicians were fruitful in conjectures as to the results of our own struggle, and the throbs and throes of France. We owe much, and perhaps our national existence, to the cool dispassionate judgment and unbending firmness of the distinguished individual then at the head of our nation. But most of his constitutional advisers, and others, who co-operated with him, in this time of peril, are forgotten; their labours are no longer mentioned with applause, nor a single pulse beats in lively gratitude for the services of the patriotic dead, nor is sincere respect shown for the living.

We boast not of our ancestry, but claim an origin equally respectable as that of any portion of our country. Our public schools and colleges, founded by our ancestors, are so many monuments of our moral and intellectual worth. These monuments we have preserved, beautified, strengthened, and adorned; they will last, and increase in grandeur and utility, till we, as a people, shall be completely changed.

The foregoing observations on the first settlement of our country, were communicated to me by a shrewd and deep thinking New England historian, and we believe will give the reader much information, and great pleasure, though he may not agree with him in all his reasoning.—*American Editor.*

* The spot where Mr. Williams and his companions landed, was within the jurisdiction of the Narraganset Indians.* The sachems of this tribe were Canonicus, and his nephew Miantinomo. The former was an old man, and he probably associated with him his young nephew, as better fitted to sustain the toils and cares of royalty. Their residence is said by Gookin to have been about Narraganset Bay, and on the island of Canonicus.

The first object of Mr. Williams would naturally be, to obtain from the sachems a grant of land for his new colony. He probably visited them, and received a verbal cession of the territory, which, two years afterwards, was formally conveyed to him by a deed. This instrument may properly be quoted here:†

“At Narraganset, the 24th of the first month, commonly called March, the second year of the plantation or planting at Moshassuck, or Providence; Memorandum, that we, Canonicus and Miantinomo, the two chief sachems of Narraganset, having two years since sold unto Roger Williams the lands and meadows upon the two fresh rivers, called Moshassuck and Wanasquatucket, do now, by these presents, establish and confirm the bounds of these lands, from the river and fields of Pawtucket, the great hill of Notaquoncanot, on the northwest, and the town of Mashapaug, on the west.‡

* “Under the general name of Narraganset, were included Narraganset proper, and Coweset. Narraganset proper extended south from what is now called Warwick, to the ocean; Coweset, from Narraganset northerly to the Nipmuck country, which now forms Oxford, (Mass.) and some other adjoining towns. The western boundaries of Narraganset and Coweset cannot be definitely ascertained. Gookin says, the Narraganset jurisdiction extended thirty or forty miles from Seekonk river and Narraganset Bay, including the islands, southwesterly to a place called Wekapage, four or five miles to the eastward of Pawcatuck river; that it included a part of Long Island, Block Island, Coweset, and Niantuck, and received tribute from some of the Nipmucks. After some research, I am induced to believe, that the Nianticks occupied the territory now called

in promulgating them, by the general court of Massachusetts, repaired to Seeconk; but being informed by the governor of Plymouth, that that place was within the limits of the colony, he proceeded to Mooshausic, where, in 1636, with those friends who followed him, he began a plantation. He purchased the land of the Indians,* and, in acknowledgment of the kindness of Heaven in affording him a shelter from his perse-

We also, in consideration of the many kindnesses and services he hath continually done for us, both with our friends of Massachusetts, as also at Connecticut, and Apaum, or Plymouth, we do freely give unto him all that land from those rivers reaching to Pawtuxet river; as also the grass and meadows upon the said Pawtuxet river. In witness whereof, we have hereunto set our hands.

The mark (a bow) of CANONICUS.

The mark (an arrow) of MIANTINOMO.

In the presence of

The mark of SOHASH.

The mark of ALSOMUNST.

“1639. Memorandum. 3d Month, 9th day, this was all again confirmed by Miantinomo. He acknowledged, that he also [illegible]s and gave up the streams of Pawtucket and Pawtuxet, without limits, we might have for our use of cattle.

Witness hereof,

ROGER WILLIAMS,
BENEDICT ARNOLD.”

The lands thus ceded to Mr. Williams he conveyed to twelve men, who accompanied, or soon joined him, reserving for himself an equal part only. Before we narrate the particulars of this transaction, a few remarks are necessary.

It appears from the tenor of the deed, and from other evidence, that the original sale included only the lands mentioned in the first part of the deed. These are said by the sachems to have been “sold” to Mr. Williams. The grass and meadows on Pawtuxet river are said to be given to him, in consideration of his services.

An interesting question, which occasioned much debate in the early times of the colony, claims consideration here. Were the lands, ceded by the sachems, so conveyed, that they became the property of Roger Williams himself, and might he, with justice and honour, have sold or retained them, as he pleased? An answer to this question will throw light on his subsequent conduct.

The conveyance in the deed is made to him alone. The title, consequently, was vested in him, so far as the instrument went. But this fact does not decide the point. It was a subject of accusation against him, that the conveyance was not made to him and his associates. Did he, then, act on behalf of others, as well as for himself?

If his own solemn and often repeated assertions are worthy of credit, he obtained the lands by his own money and influence, and might have held them as his property.

He argues the case at large, in his letter to the Commissioners, in 1677, to whom he was accused of unfair conduct respecting the lands.

He asserts, in the first place, “It is not true, that I was employed by any, was supplied by any, or desired any to come with me into these parts. My soul’s desire was, to do the natives good, and to that end to learn their language, (which I afterwards printed,) and therefore desired not to be troubled with English company.”

Westerly. If so, then the jurisdiction of the Narragansets extended to the Pawcatuck, and perhaps beyond it.”—Whitcheer, Notes, p. 176.

† This is transcribed from a copy furnished by John Howland, Esq. It differs a little from that contained in Backus, vol. i. p. 89. The orthography is conformed to modern usage.

‡ “The great hill, Notaquoncanot, mentioned as a bound, is three miles west from Weybosset bridge. Mashapaug is about two miles south of the hill.—J. H.”

§ Mr. Backus (vol. i. p. 90) has this reading: “He acknowledged this his act and hand; up the streams,” &c. But the reading in the text is retained, according to Mr. Howland’s copy. The deed was written by Roger Williams, but the memorandum by some other person.

cutors, he called his new abode Providence. Acting in conformity with the wise and liberal principle he had avowed, and previously maintained, he allowed

He adds, that "out of pity, he gave leave to several persons to come along in his company." He makes the same statement in his deed of 1661:—"I desired it might be for a shelter for persons distressed for conscience. I then considering the condition of divers of my distressed countrymen, I communicated my said purchase unto my loving friends, [whom he names,] who then desired to take shelter here with me."

It seems, then, that his original design was to come alone, probably to dwell among the Indians, and do them good; but he altered his plan, and resolved to establish a refuge for those who might flee from persecution. The project was his own, and worthy of his generous and liberal mind. He certainly was not employed, as an agent to purchase lands for others. He uses another argument: "I mortgaged my house in Salem (worth some hundreds) for supplies to go through, and, therefore, was it a single business."

Having thus shown that he acted for himself, and on his own responsibility, he states, that the lands were procured from the sachems by his influence alone. He enumerates several advantages which he enjoyed in this negotiation: "1. A constant, zealous desire to dive into the natives' language. 2. God was pleased to give me a painful, patient spirit, to lodge with them in their filthy, smoky holes, (even while I lived at Plymouth and Salem,) to gain their tongue. 3. I spared no cost towards them, and in gifts to Ousamequin, yea, and all his, and to Canonicus, and all his, tokens and presents, many years before I came in person to the Narraganset, and when I came, I was welcome to Ousamequin, and to the old prince Canonicus, who was most shy of all English, to his last breath. 4. I was known by all the Wampanoags and the Narragansets to be a public speaker at Plymouth and Salem, and, therefore, with them, held as a sachem. 5. I could debate with them (in a great measure) in their own language. 6. I had the favour and countenance of that noble soul, Mr. Winthrop, whom all Indians respected."

He proceeds to state, respecting Canonicus, that "it was not thousands nor tens of thousands of money could have bought of him an English entrance into this bay."

In the deed, already quoted, he says, "By God's merciful assistance, I was the procurer of the purchase, not by moneys nor payment, the natives being so shy and jealous, that moneys could not do it, but by that language, acquaintance and favour with the natives, and other advantages, which it pleased God to give me; and also bore the charges and venture of all the gratuities, which I gave to the great sachems, and other sachems round about us, and lay engaged for a loving and peaceable neighbourhood with them, to my great charge and travel."

* See above. He adds, "It hath been told me, that I laboured for a licentious and contentious people; that I have foolishly parted with town and colony advantages, by which I might have preserved both town and colony in as good order as any in the country about us." The following letter from his son may be properly quoted here, as confirming the preceding statements:

"To all them that deem themselves purchasers in the town of Providence, if they be real purchasers, I would have them make it appear.

"Gentlemen,

"I thought good in short to present you with these few lines, concerning the bounds of Providence, &c. I have put forth several queries to several men in the township, to be answered; but have not any answer from any of them; and, as I judge, doth not care to have any discourse about it. Therefore, now I speak to you all, desiring your honours will be pleased to consider of the matter, and to answer me to one or two queries; that is, whether you have any thing under my father's hand to prove the bounds of this town afore those twelve men were concerned; or whether my father disposed of any of the township to any other persons since the twelve men were first in power, &c. If my father had disposed or sold his whole township, and they he sold it to, or have it under his hand, prove the sale, although it was but for one penny, God forbid that ever I should open my mouth about it, &c. It is evident, that this township was my father's, and it is held in his name against all unjust clamours, &c. Can you find such another now alive, or in this age?

entire freedom of conscience to all who came within his borders, and set the first practical example of the perfect equality of all religious sects in the same poli-

These facts prove, that the lands were granted to Mr. Williams, as a personal favour, as an expression of gratitude on the part of the sachems, and as a remuneration for presents which they had been receiving from him for several years. Mr. Williams, then, was entitled to make the assertion, which is contained in his touching letter to the town of Providence, in 1654: "I have been blamed for parting with Moshassuck, and afterwards Pawtuxet, (which were mine own, as truly as any man's coat upon his back,) without reserving to myself a foot of land, or an inch of voice, more than to my servants and strangers."

Mr. Williams was thus the legal proprietor of the lands which were ceded to him, and he might have remained so, if he had pleased. He had a clear title from the Indians, and he had, a few years later certainly, sufficient influence with the rulers in England, to obtain a recognition of his rights, and a confirmation of his authority. He might, doubtless, have been, like William Penn, the proprietary of his colony, and might have exercised a control over its government. He would, we may easily believe, have exercised his authority as wisely and beneficially as the great legislator of Pennsylvania. The peace of his settlement and his own comfort would, perhaps, have been promoted, if he had retained this power awhile, instead of committing it to the whole company of settlers, among whom, from the nature of the colony, as a refuge for "all sorts of consciences," some heterogeneous and discordant tempers might be expected to find admission. That he was blamed for this conduct, we know from his letter to the town of Providence, already quoted,* and as that letter was written soon after his return from England, we may infer, that the censure came from leading men there.

But he chose to found his colony on pure democratic principles; as a commonwealth, where all civil power should be exercised by the people alone, and where God should be the only ruler over the conscience.

We will now relate the facts respecting his division of the lands among his associates.

The persons who accompanied him, at his first landing, were William Harris, John Smith, Joshua Verin, Thomas Angell, and Francis Wickes. Several others joined him at various times, previously to October 8, 1638, on which day Mr. Williams executed an instrument, of the following tenor:†

"Providence, 8th of the 8th month, 1638, (so called.)

"Memorandum, that I, Roger Williams, having formerly purchased of Canonicus and Miantinomo, this our situation, or plantation, of New Providence,‡ viz. the two fresh rivers, Wanasquatucket and Moshassuck, and the grounds and meadows thereupon;

He gave away his lands and other estate, to them that he thought were most in want, until he gave away all, so that he had nothing to help himself, so that he being not in a way to get for his supply, and being ancient, it must needs pinch somewhere. I do not desire to say what I have done for both father and mother. I judge they wanted nothing that was convenient for ancient people, &c. What my father gave, I believe he had a good intent in it, and thought God would provide for his family. He never gave me but about three acres of land, and but a little afore he deceased. It looked hard, that out of so much at his disposing, that I should have so little, and he so little. For the rest, &c. I did not think to be so large: so referring your honours to those queries you have among you,

"Your friend and neighbour,

"DANIEL WILLIAMS.

"Providence, Aug. 24, 1810.

"If a covetous man had that opportunity as he had, most of this town would have been his tenants, I believe. D. W."

† The first deed was "written in a strait of time and haste," as he alleged, and contained only the initials of the names of the grantees. He was censured for this by some of them, as if he had done it for some sinister design! They urged him to give them another deed, which of finally did, on the 22d of December, 1666, when the document in the text was written, retaining the original date.

‡ The name, *New Providence*, appears in a few documents written by Mr. Williams himself, and by others, but it was soon discontinued. The

tical community. Nor was his benevolence confined to his civilized brethren; he laboured to enlighten, improve, and conciliate the savages; he learned their

in consideration of thirty pounds received from the inhabitants of said place, do freely and fully pass, grant, and make over equal right and power of enjoying and disposing of the same grounds and lands, unto my loving friends and neighbours, Stukely Westcott, William Arnold, Thomas James, Robert Cole, John Greené, John Throckmorton, William Harris, William Carpenter, Thomas Olney, Francis Weston, Richard Waterman, Ezekiel Holliman, and such others as the major part of us shall admit into the same fellowship of vote with us:—As also I do freely make and pass over equal right and power of enjoying and disposing of the lands and grounds reaching from the aforesaid rivers unto the great river Pawtuxet, with the grass and meadows thereupon, which was so lately given and granted by the aforesaid sachems to me. Witness my hand,

“ROGER WILLIAMS.”

On the 20th of December, 1661, the following deed was executed. It is inserted here, because it is an interesting document, and it throws much light on the transactions which we are considering.

“Be it known unto all men by these presents, that I, Roger Williams, of the town of Providence, in the Narraganset Bay, in New England, having, in the year one thousand six hundred thirty-four, and in the year one thousand six hundred thirty-five, had several treaties with Canonicus and Miantinomo, the two chief sachems of the Narraganset, and in the end purchased of them the lands and meadows upon the two fresh rivers called Moshassuck and Wanasquatucket, the two sachems having, by a deed, under their hands, two years after the sale thereof, established and confirmed the bounds of these lands from the rivers and fields of Pawtucket, the great hill of Notaquoncanot on the north-west, and the town of Mashapaug on the west, notwithstanding I had the frequent promise of Miantinomo, my kind friend, that it should not be land that I should want about these bounds mentioned, provided that I satisfied the Indians there inhabiting. I having made covenant of peaceable neighbourhood with all the sachems and natives round about us, and having, of a sense of God's merciful Providence unto me in my distress, called the place Providence, I desired it might be for a shelter for persons distressed for conscience. I then considering the condition of divers of my distressed countrymen, I communicated my said purchase unto my loving friends, John Throckmorton, William Arnold, William Harris, Stukely Westcott, John Greene, Senior, Thomas Olney, Senior, Richard Waterman, and others, who then desired to take shelter here with me, and in succession unto so many others as we should receive into the fellowship and society of enjoying and disposing of the said purchase; and besides the first that were admitted, our town records declare, that afterwards we received Chad Brown, William Field, Thomas Harris, Senior, William Wickenden, Robert Williams, Gregory Dexter, and others, as our town book declares; and whereas, by God's merciful assistance, I was the procurer of the purchase, not by moneys nor payment, the natives being so shy and jealous that moneys could not do it, but by that language, acquaintance, and favour with the natives, and other advantages, which it pleased God to give me, and also bore the charges and venture of all the gratuities, which I gave to the great sachems and other sachems and natives round about us, and lay engaged for a loving and peaceable neighbourhood with them, to my great charge and travel; it was therefore thought fit by some loving

origin of the epithet *New* may have been, a desire to distinguish the town from the island of Providence, one of the Bahama islands, on which a plantation was begun in 1629. Holmes's *Annals*, vol. i. p. 201. This island has since received the name of New Providence. The town of Roger Williams was entitled to the precedence.

* This seems to be loosely expressed. Mr. Williams could not mean that he delivered the deed to the grantees in 1637, for several of the persons named did not arrive in Providence till after April, 1638. (Backus, vol. i. p. 92.) His own deed of cession is dated Oct. 8, 1638. He probably meant, that he delivered the deed, signed by the sachems in 1637, to

language, travelled among them, and gained the entire confidence of their chiefs; and had often the happiness, by his influence over them, of saving from

friends, that I should receive some loving consideration and gratuity, and it was agreed between us, that every person, that should be admitted into the fellowship of enjoying land and disposing of the purchase, should pay thirty shillings unto the public stock; and first, about thirty pounds should be paid unto myself, by thirty shillings a person, as they were admitted; this sum I received, and in love to my friends, and with respect to a town and place of succour for the distressed, as aforesaid, I do acknowledge the said sum and payment as full satisfaction; and whereas in the year one thousand six hundred and thirty-seven,* so called, I delivered the deed subscribed by the two aforesaid chief sachems, so much thereof as concerneth the aforementioned lands, from myself and from my heirs, unto the whole number of the purchasers, with all my power, right and title therein, reserving only unto myself one single share equal unto any of the rest of that number; I now again, in a more formal way, under my hand and seal, confirm my former resignation of that deed of the lands aforesaid, and bind myself, my heirs, my executors, my administrators and assigns, never to molest any of the said persons already received, or hereafter to be received into the society of purchasers, as aforesaid; but that they, their heirs, executors, administrators and assigns, shall at all times quietly and peaceably enjoy the premises and every part thereof, and I do further by these presents bind myself, my heirs, my executors, my administrators and assigns, never to lay any claim, nor cause any claim to be laid, to any of the lands aforementioned, or unto any part or parcel thereof, more than unto my own single share, by virtue or pretence of any former bargain, sale or mortgage whatsoever, or jointures, thirds or entails made by me, the said Roger Williams, or of any other person, either for, by, through or under me. In witness whereof, I have hereunto set my hand and seal, the twentieth day of December, in the present year one thousand six hundred sixty-one.

“ROGER WILLIAMS, (Seal.)

“Signed, sealed, and delivered in the presence of us, Thomas Smith, Joseph Carpenter. Memorandum, the words, of the purchase, were interlined before these presents were sealed. I, Mary Williams, wife unto Roger Williams, do assent unto the premises. Witness my hand, this twentieth day of December, in this present year one thousand six hundred sixty-one.

The mark of (M. W.) MARY WILLIAMS.†

“Acknowledged and subscribed before me,

“WILLIAM FIELD, Assistant.

“Enrolled, April the 6th, 1662, pr. me,

“THOMAS OLNEY, Junr., Town Clerk.”

From this document, it appears, that the twelve person to whom the lands, on the Moshassuck and Wanasquatucket rivers, were conveyed by Mr. Williams, did not pay him any part of the thirty pounds, which he received; but that the sum of thirty shillings was exacted of every person who was afterwards admitted, to form a common stock. From this stock, thirty pounds were paid to Mr. Williams, for the reasons mentioned in the instrument last quoted.

For the lands on the Pawtuxet river, however, Mr. Williams received twelve-thirteenths of twenty pounds, from the twelve persons named in the deed of October 8, 1638. On the same day, the following instrument was executed:—

“It is agreed, this day abovesaid, that all the meadow grounds at Pawtuxet, bounding upon the fresh river, on both sides, are to be

the purchasers. This deed was dated March 24, the last day of 1637, old style.

† An anchor, reclining.

‡ We are surprised at the form of this signature. That Mrs. Williams could not write, would be incredible, if it were not rendered certain that she could write, by a reference to her letters, in a public document at Providence. It is probable, that she wrote the initials, believing them to be sufficient; and some person added the words, *the mark of*, and wrote the name at length.

injury the inhabitants of the very colony which had proclaimed him an outlaw, and driven him into the wilderness.*

Two or three years after this, the antinomian con-

impropriated unto those thirteen persons, being now incorporated together in our town of Providence, viz.: Ezekiel Holliman, Francis Weston, Roger Williams, Thomas Olney, Robert Cole, William Carpenter, William Harris, John Throckmorton, Richard Waterman, John Greene, Thomas James, William Arnold, Sukely Westcott; and to be equally divided among them, and every one to pay an equal proportion to raise up the sum of twenty pounds for the same; and if it shall come to pass, that some, or any one, of these thirteen persons aforesaid, do not pay or give satisfaction of his or their equal proportion of the aforesaid sum of twenty pounds, by this day eight weeks, which will be the 17th day of the 10th month next ensuing, then they or he shall leave their or his proportion of meadow grounds unto the rest of those thirteen persons, to be at their disposing, who shall make up the whole sum of twenty pounds, which is to be paid to Roger Williams."

This money was punctually paid on the 3d of December following, and was acknowledged as follows:—

"According to former agreement, I received of the neighbours abovesaid the full sum of 18*l.* 11*s.* 3*d.* Per me,

ROGER WILLIAMS."

He thus retained an equal share in the lands on the Pawtuxet river, which were very valuable to the new settlers, on account of the natural meadows along its banks. These lands were afterwards the occasion of a protracted contention.

From the facts which we have stated, it appears, that Mr. Williams generously admitted the first twelve proprietors of the Providence purchase to an equal share with himself, without exacting from them any remuneration. The thirty pounds which he received were paid by succeeding settlers, at the rate of thirty shillings each. But this sum of thirty pounds was not paid to him, as an equivalent for the land. It was, as he calls it, a "loving gratuity," and was intended to remunerate him for the presents which he had given to the Indians, and for the expenses which he had incurred in procuring the lands. But he affirmed, that all which he received was far less than he expended.* The same may be said respecting the money paid for the Pawtuxet lands.

The conduct of Mr. Williams, in these transactions, must be acknowledged to have been highly honourable, disinterested, and liberal. He held the title to the whole territory, and he might, apparently, have amassed wealth and gratified ambition, by retaining the control of the town, and selling the lands, to be held of him as the proprietor. But he renounced all plans of power and emolument; he placed himself on an equality with the other settlers, and surrendered the territory to the whole body of freemen, among whom he claimed no other influence than that which sprung from his personal character. The sum which he received was not even a remuneration for his actual expenses in procuring the territory.

It does not diminish this praise, that the settlers were obliged to satisfy the claims of many individual Indians. The grant from the sachems might, perhaps, have been considered as a full title; but the justice and humanity of Roger Williams and his friends, led them to make compensation to the natives who occupied the territory. The whole sum paid to Mr. Williams and to the Indians, for Providence and Pawtuxet, was stated by William Harris, in 1677, to have been one hundred and sixty pounds.—Knowles's *Memoir of Roger Williams*.

* "He died in April, 1683, at the age of eighty-four years. He seems in the early part of his residence in this country to have been governed in some respects by a blind zeal; but his memory is deserving of lasting honour for the correctness of his opinions respecting liberty of conscience, and for the generous toleration which he established. So superior was he to the meanness of revenge, and such was his magnanimity, that he exerted all his in-

* He found "Indian gifts" very costly. He was under the necessity of making frequent presents. He says, that he let the Indians have his shallop and pinnace at command, transporting fifty at a time, and lodging fifty at his house; that he never denied them any thing lawful; that when

troversy, as it has been called, arose in Massachusetts, and Mrs. Hutchinson, Mr. Coddington, and others, were also banished from that colony.† These persons, with the assistance of Roger Williams, in

fluence with the Indians in favour of Massachusetts, and ever evinced the greatest friendship for the colony from which he had been driven. For some of its principal men he preserved the highest affection, and maintained a correspondence with them. In his controversial writings, especially with Mr. Cotton respecting toleration, he shows himself a master of argument. His talents were of a superior order. In the religious doctrines which he embraced, he seems to have been remarkably consistent. The Scriptures he read in the originals. Though his writings and his conduct in the latter periods of his life evince that he was under the influence of the Christian spirit, yet his mind was so shrouded in doubt and uncertainty, that he lived in the neglect of the ordinances of the gospel. He did not contend, like the quakers, that they were superseded, but found himself incapable of determining to what church it was his duty to unite himself. He would pray and preach with all who would hear him, of whatever denomination. If his conscience had been enlightened, one would suppose, it must have reproved him for not partaking of the sacrament also with different sects. His first baptism he appears to have renounced, not so much because he was dissatisfied with the time or the mode of its administration, as because it was received in the church of England, which he deemed anti-christian. He published a *Key to the Language of America*, or, *A Help to the Tongue of the New England Indians*, 8vo. 1643, which has been lately reprinted in the collections of the Massachusetts Historical Society; *An Answer to Mr. Cotton's Letter, concerning the Power of the Magistrate in matters of Religion*; *The Bloody Tenet of Persecution for the cause of Conscience*, 1644; *The Bloody Tenet yet more Bloody by Mr. Cotton's endeavour to wash it White in the Blood of the Lamb, &c.*, to which is added, *A Letter to Mr. Endicott*, 4to. 1652; *The Hirling Ministry none of Christ's*, or, *A Discourse on the Propagation of the Gospel of Christ Jesus*; *Experiments of Spiritual Life and Health*, and their Preservatives, London, 1652; *George Fox digged out of his Burrows*, 1676, which was written against Fox and Burrows, and gives an account of his dispute with the Quakers. An answer to it was published in 1678, entitled, *A New England Fire-Brand Quenched*. An interesting letter of Mr. Williams to Major Mason is preserved in the collections of the Historical Society."—Allen's *Biography*, p. 608, 609.

† "Lastly, Samuel Gorton, and his eleven followers, descending the Narraganset Bay on the west side, settled on Warwick Neck. This flourishing abode of heresy and toleration soon inflamed the religious or official zeal of Governor Winthrop, and a Captain Cook, with an armed party of treble Gorton's number, was despatched with strict orders to bring the heretics to Boston, dead or alive. At the head of this crusade in miniature, marched a holy man, with strict injunctions to keep his soldiers regularly to their prayers, and to explain to Gorton and his deluded followers the whole enormity of their errors before they put them to death. What these errors were, it is immaterial to relate; suffice it to say, they had reference to the most abstruse and speculative doctrines, and were wholly immaterial to christian piety and a good life. Gorton persisted sturdily in the argument against the nuncio of Winthrop, and thinking he had the best of it, refused to acknowledge himself convinced. Cook accordingly gave the word for the onset, and they were made prisoners, and conveyed to Boston. The women and children were dispersed in the woods, and as it was at a time when the ground was covered with snow, several of them actually perished. The rest of these helpless fugitives, after sustaining incredible hardships, were protected, clothed, and hospitably entertained—by savages."—Johnson's *Life of Greene*. "Being brought before the court at Boston, the charge exhibited against them was in the following words:—'Upon much examination, and serious

he established a trading house at Narraganset, Canonius had freely what he desired; and when the old chief was about to die, he sent for Mr. Williams, and "desired to be buried in my cloth, of free gift."

March, 1638, purchased of the Indians, the island of Aquetnee, since called Rhode Island. The settlers at Providence and Rhode Island, were, at first, distinct communities, and had separate governments. Both formed civil compacts for themselves. The inhabitants of Providence, and "all new comers," at first promised "to submit themselves in active and passive obedience to all such orders and agreements as should be made for the public good of the body, in an orderly way, by major consent of the inhabitants." At Rhode Island, the settlers, to the number of eighteen, subscribed to the following civil compact: "We, whose names are underwritten, do hereby solemnly, in the presence of Jehovah, incorporate ourselves into a body politic; and as he shall help, will submit our persons, lives, and estates, unto our Lord Jesus Christ, the King of kings and Lord of lords, and to all those perfect and absolute laws of his, given in his holy word of truth, to be judged and guided thereby." In 1640, being about forty in number, they combined in a plan of government, as best suited to promote peace and order in their circumstances. William Coddington, was chosen a judge, to do justice and judgment, and to preserve the peace. In March, 1641, at a general court of election, it was unanimously declared, that the government was a democracy, or popular government, and that the power was in the body of the freemen, orderly assembled, or the major part of them, to make or constitute just laws, by which they should be regulated, and to depute from among them such ministers as should see them faithfully executed. It was at the same time ordered, that none should be accounted delinquent for doctrine, provided it be not directly repugnant to the established government and laws.*

When the New England colonies, in 1643, formed the celebrated confederacy, Rhode Island applied to be admitted into the union. Plymouth objected, on the ground that the settlements were within her boundaries. The commissioners decided that Rhode Island might enjoy all the advantages of the confede-

consideration of your writings, with your answers about them, we do charge you to be a blasphemous enemy of the true religion of our Lord Jesus Christ and his holy ordinances, and also of civil authority among the people of God, and particularly in this jurisdiction. Their writings were produced in evidence against them; and they explained them in such a manner, that the governor, Mr. Winthrop, said he could agree with them in their answer, though he could not in their writings; but Mr. Dudley stood up, much moved, and said he would never consent to it while he lived, that they were one with them in those answers. The governor then asked Gorton what faith was? He answered, in the words of the apostle, that "faith is the substance of things hoped for, and the evidence of things not seen;" the governor told him that was true, but he could say more of faith than that. He desired to be excused, and Mr. Bradstreet, prudently enough, excepted to such questions, unless he was free to speak to them; and thereupon they

racy, if she would submit to the jurisdiction of Plymouth; this she resolutely declined, proudly preferring independence to all the benefits of dependent union.

In the year 1644, Roger Williams was deputed to England to obtain of the commissioners of plantations, appointed by Parliament, a new charter. These commissioners granted to the inhabitants of the towns of Providence, Portsmouth, and Newport, residing in a tract of country, called by the name of Narraganset Bay, bordering northward and north-east on the patent of the Massachusetts, east and south-east on Plymouth patent, south on the ocean, and west and north-west on the country of the Indians, called Narragansets, the whole tract extending about twenty-five English miles unto the Pequod river and country, "a free and absolute charter of incorporation, to be known by the name of the Incorporation of Providence plantations in the Narragansets Bay, in New England, with full power and authority to rule themselves, and such others as shall inhabit in any part of the said tract of land, by such a form of civil government, as by voluntary consent of all, or the greater part of them, they shall find most suitable to their estate and condition; and for that end, to make and ordain such civil laws and constitutions, and to inflict such punishments upon transgressors; and for the execution thereof, so to place and displace officers of justice, as they, or the greatest part of them, should, by free consent, agree thereto;" with a proviso, that the laws, constitutions, and punishments, for the civil government of the plantation, be conformable to the laws of England, so far as the nature and constitution of the place would admit. A court of commissioners, consisting of six persons from each of the towns, was invested with legislative authority, but all acts passed by these commissioners were subject to be repealed by a majority of the freemen assembled in town meetings called for that purpose. A president and four assistants were chosen annually, to be conservators of the peace, with civil powers, and by special commission they were judges of the courts, assisted by

were dismissed and remanded to prison. Their sentences were cruel. Gorton was ordered to be confined to Charles-town, there to be kept at work, and to wear such bolts and irons as might hinder his escape; and if he broke his confinement, or by speech or writing published or maintained any of the blasphemous abominable heresies wherewith he had been charged by the general court, or should reproach or reprove the churches of our Lord Jesus Christ in these united colonies, or the civil government, &c., that upon conviction thereof, upon trial by jury, he should suffer death. The rest were confined to different towns, one in a town, and upon the same conditions with Gorton; their cattle were seized and ordered to be sold, and the charge of fetching them, and the expense attending the trial and imprisonment, to be paid out of the proceeds and the overplus to be reserved for their future maintenance during their confinement."—Hutchinson, vol. i. p. 120—122

* Pirkin vol. i. p. 47.

two wardens or justices of the peace in the towns in which the courts were held. Each town elected a council of six persons to manage their own affairs. This council was also a town court, for the trial of causes of inferior magnitude, with a right of appeal to the court of president and assistants. This form of government continued, with little interruption, until a charter was obtained from Charles II. in 1663.

The town of Newport was situated on one of the best harbours in America, and its inhabitants soon engaged in commerce. Their commercial transactions were deemed of so much importance in 1647, as to require laws suited to commercial men and seamen. At this early period, therefore, it was ordered at the court of election, "that the sea laws, otherwise called the laws of Oleron, should be in force among us, for the benefit of seamen, (upon the island,) and the chief officers in the town should have power to summon the court for the case or cases prescribed.*

Upon the application of the inhabitants, in 1663, Charles II. granted a charter to Rhode Island and Providence plantations. The supreme or legislative power was to be exercised by an assembly, which was to consist of the governor, of ten assistants, and of representatives from the several towns, all to be chosen by the freemen. The first meeting of the general assembly, under the new charter, was on the 1st of March, when the government was organized. Among a great variety of ordinances which were enacted by the legislature of this colony, one was for declaring the privileges of his majesty's subjects. It enacted, "that no freeman shall be imprisoned, or deprived of his freehold, or condemned, but by the judgment of his peers, or the law of the colony; that no tax shall be imposed or required of the colonists, but by the act of the general assembly; that all men of competent estates, and of civil conversation, (Roman Catholics only excepted,)[†] shall be admitted freemen, or may choose or be chosen colonial officers." In 1665, the general assembly enacted a law, authorizing the seizure of the estates of quakers, who refused to bear arms in defence of the colony; but being generally condemned by the people, it was never carried into execution.

The commissioners sent by Charles II. to inspect

the affairs of the New England colonies, were received at Rhode Island with more deference than in the neighbouring colony of Massachusetts, arising, probably, partly from their religious sentiments, and partly from a sense of their comparative want of strength to cope with royal power. Their conduct received the warmest approbation of their monarch; and he assured them, that he should never be unmindful of their dutiful behaviour, which, he observed, was set off with the more lustre by the contrary deportment of Massachusetts, as if, by its refractoriness, it had designed to recommend and heighten their merits.‡ The general strain of the government of Rhode Island and Providence was conciliatory, though independent, and seems to have given satisfaction to Charles II. during the remainder of his reign.

On the accession of James II. to the British crown, the assembly of Rhode Island immediately transmitted an address, acknowledging themselves his loyal subjects, professing obedience to his power, and begging protection for their chartered rights. Their supplications, however, could not protect them from the effects of those plans of reformation for New England which were now resolved on. Articles of high misdemeanour were exhibited against them before the lords of the committee of colonies, accusing them of breaches of their charter, and of opposition to the acts of navigation. These charges were referred, in July, 1685, to Sawyer, attorney-general, with orders forthwith to issue a writ of *quo warranto* against their patent; and formal notice of the legal process was soon afterwards communicated to the governor and company. But, without much hesitation, they resolved that they would not stand suit with their king. It was ordered by the committee of colonies, that Sir Edmund Andros, the governor of Massachusetts, should demand the surrender of their charter, and govern them as other colonies of New England, the king assuring them of his protection, and of his determination to extend no other rule of administration over them, than over the neighbouring plantations. In December, 1686, Andros, agreeably to his orders, dissolved the government of Rhode Island, broke its seal, admitted five of its inhabitants into his legislative council, and assumed the administration in

* Pitkin, vol. i. p. 49.

† "The authenticity of the clause, 'Roman Catholics only excepted,' has been disputed; and strictures have been made upon Chalmers, as maintaining 'that the toleration of Roger Williams did not extend to Roman Catholics,' and upon the author of *American Annals*, as having 'repeated this charge.' That clause was an integral part of the ordinance, as recited by Chalmers, and the omission of it would have been censurable. It has since been affirmed, on very respectable authority, that the act in question is

not to be found in the records of Rhode Island. In copying the ordinance, the supposed implication of Mr. Williams was not adverted to; it was merely a transcript of an article in our history. Whatever may have been the legislation of 1664, Roger Williams has a just claim to the honour of establishing, at the foundation of his colony, 'a free, full, and absolute liberty of conscience.'"—*American Annals*, vol. i. p. 336, 337.

‡ See the King's Letter in *New England Papers*, vol. iii

the place of that which he had thus annihilated. When the revolution put an end to his power, Rhode Island and Providence resumed their charter, on the ground that an act which was extorted by terror might be justly recalled when restraint no longer remained. All the officers who had been displaced three years before were now restored.

The benevolence, justice, and pacific policy of Williams, secured to the colony an almost total exemption from Indian hostility. Its prosperity was proportionate to these favourable circumstances, and the population rapidly increased; in 1730, the number of inhabitants was 18,000; and in 1761, it had augmented to 40,000.

Brown University was founded at Warren, in 1764. On the petition of a number of respectable persons, a charter for founding a seminary of learning was granted by the general assembly of the colony; the incorporation took place in the name of the "trustees, or fellows of the College or University in the English colony of Rhode Island and Providence plantations." The president must be a Baptist, but professors and other officers of instruction are not limited to any denomination of Christians. The charter, in the spirit of the other institutions of that colony, declares, "All the members of this institution shall forever enjoy full, free, absolute, and uninterrupted liberty of conscience; and the places of professors, tutors, and all other officers, the president excepted, shall be free and open for all denominations of protestants." In 1770, the college was removed to Providence, where, by the generous donation of individuals, principally of the town of Providence, a large and elegant building was erected for the accommodation of the students.

CHAPTER VII.

NEW YORK.

THE history of the middle ages renders it very apparent that many of the ideas which were entertained by the governments of Europe on the subject of title to property, both private and national, have been very incorrect. This was especially the case with respect to the claim to proprietorship, supposed to be conferred by *discovery*, a doctrine which gave rise to many, by no means bloodless, disputes. Had the simple idea of priority of *occupation* been deemed the just ground of national or individual claims to colonial possessions, little difficulty would have arisen, though it would have been subversive of many of the lofty imaginations of regal or aristocratic ambition.

This principle would have been just to the natives, who, as far as their occupancy extended, were the only parties who could convey a just title to the newcomers to the American continent. What would have been the indignation of British pride, had some adventurous Indian sachem *discovered*, and granted to his faithful followers, some of the extensive and thinly inhabited wastes which Britain exhibited in the reigns of James or Charles? Yet, what other title could Charles urge to the territories of the brave king Philip, that the latter could not, had he visited the coast of England, have retorted on the former?

The absurdity of the principle of a legitimate title being conferred by discovery only, was nowhere more clearly evinced, than in the transactions of the colony of New York. In 1609, Henry Hudson, an Englishman employed by the East India Company of Holland, set sail from the Texel for the discovery of a north-west passage to India. Not succeeding in the object of his voyage, he entered the bay of Chesapeake, where he found the infant settlement of the English. He afterwards proceeded to Long Island, and sailed up the river Manhattan, on whose banks the chief fruits of his enterprise were destined to grow. It has been affirmed, that he sold his right to this territory to the Dutch; but the assertion is as unsupported by proof as it is improbable; he could convey to them no right which the voyage did not vest, by a much better title, in themselves. Several voyages were afterwards made from Holland to the river Manhattan, which subsequently received the name of the able navigator, by whom it had been introduced to the acquaintance of the Dutch. The favourable report of Hudson having been confirmed by other voyagers, a body of Dutch merchants embraced the resolution of establishing a trading settlement; and the States-General promoted the enterprise by granting them a patent for the exclusive trade of Hudson's river. They erected a fort near Albany, which they named Fort Orange, and a few trading-houses on the island of New York, then called by the Indians, Manhattan.

If the Dutch settlers made proper arrangements with the natives, they had certainly now a right to be considered as the legitimate occupiers of the soil; and no other European nation was entitled to dispute their possession. The British monarch, however, was of a different opinion, as were his representatives in America—pretending to found their claim on the discovery of the Cabots in the previous century, a claim which has found an advocate in so sensible a writer as Chalmers; and the title of the *Hollanders* is denied, because "the sovereign of

France in 1603, and the king of England, in 1606, had declared their intention to appropriate the same region, which their subjects immediately planted."* Why the intention of the French or English was a better title than the occupation of the Dutch, or what definition is to be allotted to the term *region*, when no European had a settlement within one hundred miles of the Dutch, Mr. Chalmers has left his readers to guess; and if they exercise their rational faculties correctly, they will be far from countenancing his opinion.

It was not long before the Dutch experienced the injurious effects of the unjust principle to which we have alluded. In the very first year of their settlement, Captain Argal, who had proceeded from Virginia to drive the French from their settlements on the bay of Fundy, visited, on his return, the Dutch on Hudson's river. Claiming the country for his sovereign, he demanded their acknowledgment of his authority; and being few in number, they prudently submitted, without attempting to resist. In the year following, however, a new governor having arrived at the fort with an additional complement of settlers, the claim of the English to the stipulated dependence was forthwith defied, and the payment of tribute imposed by Argal resisted. For the better protection of their independence, the colonists now erected another fort on the south-west point of Long

Island. They continued for a series of years, in unmolested tranquillity, to mature their settlement, enlarge their numbers, and by the exercise of their national virtues of patience and industry, to subdue the first difficulties and hardships of an infant colony.

In 1621, the Dutch republic, desirous of establishing a colony in America on a firm basis, granted to the Dutch West India Company, an extensive territory on both sides of the Hudson, and entitled it New Netherlands. The boundaries were not accurately defined, but were considered by the company as including Connecticut river at the north, and Delaware river at the south. Under the management of this company, the settlement was soon both consolidated and extended. The city of New Amsterdam, afterwards called New York, was built on York Island, then known by the name of Manhattan; and at the distance of a hundred and fifty miles higher up the Hudson, were laid the foundations of the city of Albany. In 1623, they erected a fort on the Delaware, which they called Nassau; and ten years afterwards another on the Connecticut, which they called Good Hope. Near the former, the Swedes had a settlement; and from the interfering claims of the two nations, quarrels arose between the settlers, which, in a few years, terminated in the subjugation of the Swedes.†

If the policy of the Dutch in extending their set-

* Annals, p. 568.

† New Netherland, born republican, might have been nurtured in free principles, made the healthy and vigorous representative of the parent republic, and the depository for transmission to posterity of that liberty which was to expire at home. The infant colony, might, at least, have been saved from the contamination which rendered profession a mockery in practice. The West Indian Company were amply remunerated for all expenses and care which they bestowed; and if magnanimity in policy had prevailed over the unstatesman-like maxims of gain and loss, they might have added to their renown, the celebrity of founding the first republic in the new world. But actuated by different views, and calculating the progressive profits of trade only, they now determined, if we may judge from the amount of their last transshipment, to carry to a fuller extent the commercial strength and spirit of the colony.

Since their brilliant commencement, they suffered within the last two years reverses and misfortunes from the pirates, the Dunkirk free-booters, and the public enemy. But in 1627, the capture of thirty of the enemy's ships, under the batteries of St. Salvador, by Admiral Peter Pietersen Heyn, after an unequal conflict on his

part, in which skill was seconded by the most obstinate heroism, gave renewed vigour to the company. These prizes were richly laden with sugar, tobacco, cotton, and some gold and silver.

Sugar, linens, cloths, and stuffs of various fabric, formed a part of the imports into New Netherland. Its trade was with the natives, who, as far as from Quebec and Tadousac, brought furs to Fort Orange. But to this chief mart of the province, the five nations introduced the greatest supplies. Fort Amsterdam was still the head-quarters, where ships rendezvoused, and whence smaller vessels coasted the country from New-port-May to the Flat Corner, (*De Vlack-hoeck*; the Dutch name for Cape Malabar.) But the above mentioned articles were unnecessary in the fur-trade, excepting cloth of a dark colour, suitable to the melancholy temperament of the Indians, who rejected fabrics in which the least whiteness in their texture was discoverable. Cloth of this description, hoes, hatchets, awls, beads, and other trinkets, looking glasses, Dutch trumpeys in which the natives delighted, fire-arms, which originated a mischievous traffic with the Mohawks, were the articles for the Indian trade. The circulating medium was *seawan*.* This was manufactured particularly by the Indians of *Searwan-hacky*, (Long

* *Seawan* was the name of Indian money, of which there were two kinds; *wompam* (which signifies *white*) and *suckauhook*, (*sucki* signifying *black*.) *Wompam* or *wompampeague*, or simply *peague*, was, though improperly, also understood among the Dutch and English, as expressive of the generic denomination. *Wompam*, or white money, was made of the stem or stock of the *meteahook* or *periwinkle*: *suckauhook*, or black money, was manufactured from the inside of the shell of the *quahaug*, (*venus mercenaria*), a round thick shell-fish, that buried itself but a little way in the sand, and was generally found lying on it in deep water, and gathered by rakes, or by diving after it. The Indians broke off about half an inch of a purple colour of the inside, and converted it into beads. These, before the introduction of awls and thread, were bored with sharp stones, and strung upon sinews of beasts, and when interwoven to the breadth of the hand, more or less, were called a belt of *seawan* or *wom-*

pam. A black bead, the size of a straw, about one third of an inch long bored longitudinally, and well polished, was the gold of the Indians, and always esteemed of twice the value of the white; but either species was considered by them of much more value than European coin. An Indian chief, to whom the value of a six-dollar was explained by the first clergyman of Renselaerwyck, laughed exceedingly to think the Dutch set so high a price upon a piece of iron, as he termed it. Three beads of black, and six of white, were equivalent, among the English, to a penny, and among the Dutch, to a *stuyver*. But with the latter, the equivalent number sometimes varied from three and six, to four and eight. One of Governor Minuit's successors fixed, by placard, the price of the "good splendid *seawan* of Manhattan," at four for a *stuyver*. A string of this money, one fathom long, varied in price from five shillings, among the New Englanders. (after the Dutch gave them a knowledge of it,) to four guilders.

tlements so far eastward as Connecticut was to supply a defective title by extent and priority of occupation, it completely failed; and they at length discovered, that the early extent of their occupation only

Island,) and of this, as well as the first mentioned articles, the New Netherlanders had on hand a surplus quantity. It is obvious, therefore, that for the purpose of vending these wares, a favourite policy of Governor Minuit was to ascertain a new market. His trading vessels had visited *Anchor-bay* and *Sloop-bay*, situate on each side of *Red-Island*, (*Roode Eylandt*, corrupted into Rhode Island,) ascended the river, (*Taunton*), flowing into the bay of Nassau, (*Narragansett*), and trafficked at *Sawaans* or *Puckanokick*, where *Massasowaw*, the friend of the Plymouth people, held dominion. From him and other Indians the latter had often heard of the Dutch, and from the same source the Dutch had no doubt received intelligence of the English. But during the six years which had elapsed since the settlement of Plymouth, there had not been the least intercourse with New Netherland. This negative relation would have continued, if the commercial policy which has been suggested, had not now induced Governor Minuit to seek out New Plymouth, as the market which was most convenient to intercourse, most congenial in temper and circumstances, and, therefore, preferable to Virginia or Canada, for the purpose of establishing a treaty of commerce and amity. The people of Plymouth had a trading house at Manomet, (north side of Cape Cod,) but, comparatively unambitious, their commerce, fortifications, and strength of men, were, as was acknowledged by them, far inferior to those of New Netherland. Confined in their operations to the vicinity of the barren and lonely spot on which they had been cast, their little trade was indispensable, and they were aggrieved that the Dutch had encroached upon this trade, almost to their very doors. Having no transatlantic commerce, they, this year, (1627,) sent an agent to England and Holland, to make arrangements for such supplies as their wants or commerce demanded.

Such was the relative situation of the two colonies, when in March, Governor Minuit caused a deputation to the Governor and Council of Plymouth, with two letters, written in Dutch and French, dated at "Manhataas, in Fort Amsterdam, March 9th, 1627," (N. S.) signed "Isaac de Razier, Secretary." The Dutch governor and council congratulated the people of Plymouth on the success of their praise-worthy undertaking, proffered their "good will and service in all friendly correspondency and good neighbourhood," invited a reciprocity of amicable feeling, suggested for this purpose, among other things, "the propinquity of their native countries, and their long continued friendship"—and concluded by desiring "to fall into a way of some commerce and trade"—offering "any of their goods that might be serviceable," and declaring that they should feel themselves bound to accommodate and help "their Plymouth neighbours with any wares that they should be pleased to deal for."*

The answer of Governor Bradford and Council was as follows:—

(one dollar sixty-six and a half cents,) among the Dutch. The process of trade was this: the Dutch and English sold for seawan, their knives, combs, scissors, needles, awls, looking-glasses, hatchets, hoes, guns, black cloth, and other articles of the Indian traffic, and with the seawan bought the furs, corn, and venison, from the Indians on the seaboard, who also, with their shell money, bought such articles from Indians residing in the interior of the country. Thus by this circulating medium, a brisk commerce was carried on, not only between the white people and the Indians, but between different tribes among the latter. For the seawan was not only their money, but it was an ornament to their persons. It distinguished the rich from the poor, the proud from the humble. It was the tribute paid by the vanquished to those, the five nations for instance, who had exacted contribution. In the form of a belt, it was sent with all public messages, and preserved as a record of all public transactions between nations. If a message was sent without the belt, it was considered an empty word, unworthy of remembrance. If the belt was returned, it was a rejection of the offer or proffer accompanying it. If accepted, it was a confirmation, and strengthened friendships or effaced injuries. The belt, with appropriate figures worked in it, was also the record of

served to bring their rights the sooner into collision with the pretensions of neighbours more powerful than themselves. These disagreeable results, however, were not experienced till after the lapse of

"To the Honourable and Worshipful the Director and Council of New Netherland, our very loving and worthy friends and Christian neighbours.

"The Governor and Council of Plymouth, in New England, wish your Honours and Worships all happiness and prosperity in this life, and eternal rest and glory with Christ Jesus our Lord, in the world to come.

"We have received your letters wherein appeareth your good will and friendship towards us, but is expressed with over high titles, and more than belongs to us, or than is meet for us to receive: but for your good will and congratulation of our prosperity in this small beginning of our poor colony, we are much bound unto you, and with many thanks do acknowledge the same, taking it both for a great honour done unto us, and for a certain testimony of your love and good neighbourhood. Now these are further to give your Honours, Worships, and Wisdoms, to understand, that it is to us no small joy to hear, that it hath pleased God to move his Majesty's heart, not only to confirm that ancient amity, alliance, and friendship, and other contracts formerly made and ratified by his predecessors of famous memory, but hath himself, (as you say,) and we likewise have been informed, strengthened the same with a new union, the better to resist the pride of that common enemy, the Spaniards, from whose cruelty the Lord keep us both, and our native countries. Now for as much as this is sufficient to unite us together in love and good neighbourhood in all our dealings, yet are many of us further tied by the good and courteous entreaty which we have found in your country, having lived there many years with freedom and good content, as many of our friends do to this day, for which we are bound to be thankful, and our children after us, and shall never forget the same, but shall heartily desire your good and prosperity as our own for ever. Likewise, for your friendly proposition and offer to accommodate and help us with any commodities or merchandise which you have, and we want, either for beaver, otters, or other wares, is to us very acceptable, and we doubt not but in short time we may have profitable commerce and trade together. But you may please to understand that we are but one particular colony or plantation in this land, there being divers others besides, unto whom it hath pleased those Honourable Lords of his Majesty's Council for New England, to grant the like commission, and ample privileges to them, (as to us,) for their better profit and subsistence, namely, to expulse or make prize of any, either strangers or other English, which shall attempt either to trade or plant within their limits, (without their special license and commission,) which extends to forty degrees: yet, for our parts, we shall not go about to molest or trouble you in any thing, but continue all good neighbourhood and correspondence as far as we may; only we desire that you would forbear to trade with the natives in this bay, and the river of Narragansett and Sowames,

domestic transactions. The confederation of the five nations was thus recorded. The cockle shells had indeed more virtue amongst Indians, than pearls, gold, and silver, had among Europeans. Seawan was the seal of a contract—the oath of fidelity. It satisfied murders and all other injuries, purchased peace, and entered into the religious as well as civil ceremonies of the natives. A string of seawan was delivered by the orator in public council, at the close of every distinct proposition made to others, as a ratification of the truth and sincerity of what he said; and the white and black strings of seawan were tied by the pagan priest around the neck of the white dog suspended to a pole, and offered as a sacrifice to *T'hahlonghyawaagon*, the upholder of the skies, the god of the five nations.

* Extract from a manuscript history of Plimouth, communicated by Hon. Francis Baylies, of Massachusetts. Prince's New England Annals, p. 172. Morton's New England Memorial, p. 91. Gov. Bradford's Letter Book, III. Mass. Historical Collections, p. 51. Hutchinson, II. App.

"To which (says Morton, secretary of Plimouth) the governor and council of Plimouth returned answerable courteous acceptance of their loving propositions, respecting their good neighbourhood in general, and particularly for commerce."

several years of uninterrupted peace, during the administration of Wouter Van Twiller, the first governor appointed by the West India Company. It was near the close of his administration, that the

which is, as it were, at our doors. The which, if you do, we think also no other English will go about any way to trouble or hinder you; which otherwise are resolved to solicit his Majesty for redress, if otherwise they cannot help themselves.

"May it please you further to understand, that for this year we are fully supplied with all necessaries, both for clothing and other things; but it may so fall out, that hereafter we shall deal with you, if your rates be reasonable: and therefore, when your people come again, we desire to know how you will take beaver by the pound, and otters by the skin, and how you will deal per cent. for other commodities, and what you can furnish us with; as likewise what commodities from us may be acceptable to you, as tobacco, fish, corn, or other things, and what prices you will give.

"Thus hoping that you will pardon and excuse us for our rude and imperfect writing in your language, and take it in good part, because, for want of use, we cannot so well express that we understand, nor happily understand every thing so fully as we should: and so we humbly pray the Lord, for his mercy's sake, that he will take both us and our native countries, into his holy protection and defence. Amen.

"By the Governor and Council, your Honours' and Worships' very good friends and neighbours."

In August, Governor Minuit and council sent another deputy, and in reply, insisted upon their right to trade to the places which Governor Bradford and council had interdicted, that, "as the English claimed authority under the King of England, so we, the Dutch, derive ours from the states of Holland, and will defend it." The letter was in other respects very friendly, and, as if to preclude any interruption to the harmony of their projected intercourse, the messenger was charged with a present of "a rundlet of sugar and two Holland cheeses," for which many thanks were returned in the answer by Governor Bradford: he also requested that a deputy might be sent to confer respecting their future trade and commerce, and with the most friendly zeal cautioned the Dutch to avoid the Virginia ships or fishing vessels, which might make prize of them, as they had a few years previously, of a French colony that had intruded within their limits; apprised them of the patents of Queen Elizabeth, and advised them to solicit the States General, to negotiate with England for an amicable understanding upon the subject. Governor Bradford communicated copies of the correspondence to the council for New England, and to Sir Ferdinando Gorges, requesting advice. But now, as if apprehensive lest the contemplated intimacy with the New Netherlanders, might give plausibility to their local pretensions, he wrote again to Governor Minuit in October, that he should suspend a decision on the question of trade, till the Plymouth agent should return from England and Holland,

* In the language of a contemporary of Gov. Minuit and Gov. Bradford:—"If any tax me for wasting paper with recording these small matters, such may consider, that small things in the beginning of natural or politic bodies, are as remarkable as greater, in bodies full grown." Thomas Dudley, the first deputy governor of Massachusetts, in an epistle to "my very good lady, the Lady Bridget Countess of Lincoln," dated Boston, 1631, and published in "Massachusetts, or the first Planters," &c. Boston, 1696, p. 22.

† Addressed to "Monsieur Monseigneur, William Bradford, governor in Nieu Plemeuen.

"After the wishing of all good unto you, this serves to let you understand that we have received your (acceptable) letters, dated the 14th of last month, by John Jacobson of Wiring, who besides, by word of mouth, hath reported unto us your kind and friendly entertainment of him: for which cause (by the good liking and approbation of the director and council) I am resolved to come myself in friendship to visit you, that we may by word of mouth friendly communicate of things together; as also to report unto you the good will and favour that the Honourable Lords of the authorized West Indian Company bear towards you; and to show our willingness of your good accommodation, have brought with me some cloth of three sorts and colours, and a chest of white sugar, as also some

English colonists extended their settlements beyond the boundaries of Massachusetts into the territory of Connecticut. He was succeeded in the following year by William Kieft, a man more fitted to encounter

whither he had been sent to make arrangements, before it was ascertained that supplies could be obtained from the Dutch. He again advised them to adjust their title to a settlement "in these parts," lest in these "stirring evil times," it should become a source of contention.

But before the reception of the last letter, Secretary Razier, actuated by the prior communication of Governor Bradford, resolved, with the approbation of the Governor and Council, to be himself the bearer of an embassy to Plymouth. In the bark Nassau, freighted with a few articles for traffic, manned with a retinue of soldiers and trumpeters, conformable to the fashion of the day, and proportional to the dignity of his station, this second officer of the government, departed on an embassy, which was as important in the primitive affairs of New Netherland and New Plymouth, as any of the magnificent embassies of the old world were to full-grown kingdoms.*

The reader's fancy will follow the bark through the east river, (*Oost rivier*, called also *Helle Gadt rivier*.) into the great bay of the island of shells, (Long Island Sound,) and as it boldly swept over the bay, or cautiously glided along its shores, skirted by thousands of wigwams, he will picture the wild and joyful gesticulations of the Indians, as they gazed upon the fantastic arrangements of the little vessel, or listened to the deep notes of the trumpeters.

Arrived in safety at Manomet, (north side of Cape Cod,) the secretary despatched to Governor Bradford a letter,† announcing his arrival, specifying the articles that comprised his cargo, and requesting some mode of conveyance to Plymouth. His request was granted. A boat was sent to *Manonscusset*, (on the south side of Cape Cod,) and Razier, "honourably attended by noise of trumpeters," was ushered into fort Plymouth. Here he was kindly entertained several days. The meeting was not merely one of commercial speculation and heartless formality. It was the first meeting, in the solitude of the new world, of the friendly colonists of two allied European nations. It was the joyful meeting of kindred as well as friends, for the wives and little ones of some of the pilgrims had also their birth-place in Holland. Though the rigid simplicity of puritan costume and manners, the simple salutation, for instance, of goodman and goody, were in direct opposition to the high-sounding titles, formal stateliness, and warlike decorations of the Dutch, yet the very spirit of amity consecrated the intercourse upon this novel occasion.

When the Dutch departed, they were accompanied to Manomet by the Plymouth people, by whom articles of their merchandise were purchased, particularly the *seaweed*, which was then introduced into New England, and became the medium of profitable trade with the Eastern Indians.‡ Such was the harmony of the first communication between the two colonies, that the Dutch offered

seaweed, &c. not doubting but, if any of them may be serviceable unto you, we shall agree well enough about the prices thereof. Also, John Jacobson aforesaid, hath told me that he came to you over land in six hours, but I have not gone so far this three or four years, wherefore I fear my feet will fail me; so I am constrained to entreat you to afford me the easiest means, that I may, with least weariness, come to congratulate with you: so leaving other things to the report of the bearer, shall here-with end; remembering my hearty salutations to yourself and friends, &c. From aboard the bark Nassau, the 4th of October, 1627, before Frenchman's point.

"Your affectionate friend, ISAAC DE RAZIER."

‡ Dr. Chalmers (Political Annals) says that Razier brought peltry and purchased corn. Hence it is inferred the Dutch had made little progress in agriculture. The conclusion is true, though the premises are not. It is doubtful whether Plymouth raised corn enough for domestic consumption. "But whatever were the honey in the mouth of that beast of trade, there was a deadly sting in the tail. For it is said they first brought our people to the knowledge of *wampampeag*; and the acquaintance therewith occasioned the Indians of these parts to learn the skill to make it, by which, as by the exchange of money, they purchased store of artillery, both from the English, Dutch, and French, which hath proved a fatal bu-

with spirit, than to stem with prudence, the troubles which now began to assail the possessions of the Dutch. Numberless causes of dispute were continually occurring between New Netherlands and the colonies of Connecticut and New Haven. The English charged the Dutch with disturbing, kidnapping, and plundering their traders; with enticing servants to rob and desert their masters; and with selling arms and ammunition to the natives. Yet, notwithstanding their mutual disagreements, the Dutch and English colonists never suffered themselves to forget entirely either the forms of courtesy, or the more substantial rights of humanity; and when,

their assistance against the French, if needed; urged their friends to abandon the barren spot on which fate had cast them, and remove to the fertile banks of the *Fresh River*, (*Versche Rivier*—the Connecticut.) The adoption of this advice might have perpetuated their good feeling, which, though afterwards supplanted by contention and bitterness, was for years the foundation of repeated intercourse and profitable commerce. The Dutch frequently went to Manomet, exchanged their linens and stuffs for tobacco, which trade was extremely advantageous to the people of Plymouth, until the Virginians found out the Dutch colony, and drove them from this market by underselling them in tobacco.

The West Indian Company also enjoyed immediately the salutary fruits of this commercial interchange, for the year after it commenced, (viz. 1628,) Governor Minuit, without the necessity of any fresh imports that year, exported to the Amsterdam department more furs than at any other prior period.

The earnestness of Governor Bradford and his council, in advising the Dutch to clear up their right to settle in the land, evinces the light in which the former viewed that right, and their ignorance of any previous remonstrance upon the subject. It has, however, been affirmed that Sir Ferdinando Gorges, one of the patentees of the New England charter of 1620, had remonstrated, in 1624, to King James, against the occupation of the Hudson, and that the States General, by their ambassador, disclaimed it, as merely a private undertaking of their West Indian Company.* It might admit inquiry whether the English charter, in its constructive application, embraced that river; for though it extended nominally to the fortieth degree, it contained an exception in favour of the possession of any Christian prince or state. The Hollanders in 1620 had the possession. The policy of King James, not, perhaps, very liberal on this subject, was pacific, and he probably preferred that the river should be settled upon by the Dutch rather than by the Spaniards or French, both of whom claimed the country. He was, if we credit English statements, aware that the Dutch had begun a settlement, and, perhaps, he caused the proviso in the great charter, as a tacit acquiescence. If therefore the remonstrance was made, no efficient interposition was obtained, nor was any regard paid to it by the West Indian Company: their measures with respect to New Netherland were not to be overawed by remonstrance, or varied by conflicting title, but proportioned to the success of their arms, consequently to the amplitude of their resources, and the adaptation of the province to a lucrative invest-

ment of capital. This year they achieved a victory over the enemy, so decisive, so complete, so unexampled in the magnitude of its trophies and advantages, as not only to enrich the members of the company, but tend directly to the establishment of permanent colonization in New Netherland. In September (1628) Admiral and General Peter Pieterse Heyn captured in the bay of Mautanzas a fleet of twenty vessels laden with silver, gold, and other precious articles, valued at more than twelve millions of guilders.† This was the famous Spanish silver fleet. The company during this and the preceding year took one hundred and four prizes from the Spaniards and Portuguese. Profit had augmented to fifty per cent. The treasure now poured upon the bosom of the society was so infatuating, that the States General found it necessary to interpose some rules of government over foreign conquests, not leaving them to the arbitrary whim and caprice of the conquerors or naval commanders, and on the other hand found it not very difficult to persuade the company, to their own ruin ultimately, to turn their operations expressly for the advantage of the republic, and commence a "prince-like, instead of merchant-like war." But at this particular crisis, the interposition of their high mightinesses, for the benefit of transmarine conquests and colonies, accompanied by a decree, authorizing the different departments of the company to appoint a council of nine persons, who should be entrusted with the management of the whole, was the foundation of the appointment of commissioners over the affairs of New Netherland, and of the adoption by the college of XIX. of a charter of *Liberties, and exemptions for patroons, masters, and private individuals, who should plant colonies in New Netherland, or import thither any neat cattle*. These privileges and exemptions were adopted in the spring of 1629, and recorded in the book of resolutions of the department of XIX.‡

A knowledge of the provisions of this charter is not only necessary for understanding perfectly the civil basis on which the colony of New Netherland was erected, but the charter merits attention as an object of curious political speculation. It discloses the peculiar notions of an armed mercantile society with regard to colonization. While it secured the right of the Indians to the soil, and enjoined schools and churches, it scattered the seeds of servitude, slavery, and aristocracy. While it gave to freemen as much land as they could cultivate, and exempted colonists from taxation for ten years, it fettered agriculture, by restricting commerce and prohibiting manufactures.—Moulton's History of New York.

in the course of the same year, Kieft applied to New Haven for assistance against the Indians, the government of this colony tendered the amplest contribution they could afford of provisions for men and cattle, to supply the scarcity that might have arisen from the Indian devastations. So unwarlike were the Dutch colonists in general, that they found it necessary to invite Captain Underhill, who had been banished from Boston for his eccentricities in religion, to take command of the troops. Collecting a flying party of one hundred and fifty men, he was enabled to preserve the Dutch settlements from destruction. The number of Indians whom he killed in the course

† 5,000,000 dollars. De Laet (History West India Co. book V.) says 11,509,524 guilders, exclusive of musk, ambergris, bezoar, and other precious articles in great quantity, besides the cargoes of two galleons and one small prize.

‡ Lambrechtsen says they are to be found in the Notules of that department, March 10, 1628, (old style;) but in a deed from Gov. Kieft to ex-Governor Van Twiller, in 1638, of a tobacco plantation at Sapokanickan, (Greenwich, in the city of New York,) the date of the grant of the liberties and exemptions is cited to have been the 7th of June, 1629. Perhaps, as they were not published till 1630, they underwent modifications after they were first adopted, previously to their being finally confirmed as a charter.

business to those that were concerned in it. It seems the trade thereof was at first, by strict proclamation, prohibited by the king. "*Sed quid non mortalia pectora cogis—Auri sacra fames!*" The love of money is the root of all evil," &c. Hubbard. Hist. New Eng. Mass. Hist. Col. V. 100.

* This is put about the period of the meeting of the English parliament, in February, 1624. See Belk. Biog. vol. i. 369–375. But the loose manner in which the complaint is told, without any authority cited, and particularly the reply which it is said the states made, viz. that if a settlement on the Hudson had been made, it was without their order, as they had only erected a company for the West Indies, are circumstances which throw a suspicion over the statement. The grant to the company extended as far north as Newfoundland. Perhaps this story is confounded with one of a similar kind in the time of Charles I.

of the war was supposed to exceed four hundred. In 1646, a severe battle was fought on that part of Horseneck called Strickland's Plain. The Dutch were victorious; on both sides great numbers were slain; and for a century afterwards the graves of the dead were distinctly visible.

Kieft was succeeded, in the following year, by Peter Stuyvesant, a brave old officer, and one of the most magnanimous spirits of the republican service of Holland. By his prudence and vigour, he appears to have succeeded in restoring peace with the Indians, and preserving it uninterrupted during the whole of his administration. In 1650, he met the commissioners of the New England colonies at Hartford, where, after much altercation, a line of partition between their respective territories was fixed by mutual agreement. Long Island was divided between them; the Dutch retained the lands which they occupied in Connecticut, surrendering their claim to the residue.

In the Delaware territory, Stuyvesant resolutely defended the claims of his countrymen against the invasions both of the English and the Swedes. In 1651, the Dutch built Fort Casimir, now called New-castle, on Delaware. The Swedes claiming the country formally protested against this proceeding. Risingh, the governor, under the disguise of friendship, came before the fortress, and landed thirty men, who were entertained by the commandant as friends; but he had no sooner discovered the weakness of the garrison, than he made himself master of it; and compelled several of the people to swear allegiance to Christiana, queen of Sweden. Stuyvesant was not of a disposition to submit tamely to such an outrage, or to content himself with a simple recapture of the fort. He determined to invade and subdue the whole Swedish settlement. But no sooner did they find themselves about to be attacked by this determined warrior, and perceived that their forts failed to intimidate the enemy, than they peaceably surrendered them, together with the whole of their establishments. Thus, unassisted by the parent state, fell the only colony that Sweden has ever possessed.

During nearly ten years of peace, Stuyvesant used diligent exertion in extending and consolidating the colony of New Netherlands; all his labours were, however, doomed to prove unavailing to the advantage of his country. Charles II. had now ascended the British throne; and although he had received, during his exile, more courtesy from the Dutch than from any other nation, he had conceived a peculiar aversion towards the people of Holland; and did not hesitate to use every means to provoke the resentment

of the States-General: among others, he asserted his claim to the province of New Netherlands; and, without any attempt at negotiation with the States, he executed a charter, conveying to the Duke of York the whole territory, from the eastern shore of the Delaware, to the western bank of the Connecticut. This grant took no more notice of the existing possession of the Dutch, than it showed respect to the recent charter of Connecticut, which, whether from design or ignorance, it tacitly, but entirely superseded. No sooner did the Duke of York obtain this grant, than he conveyed to Lord Berkeley and Sir George Carteret all that portion now constituting the province of New Jersey.

It was manifest that this grant would require a military force to carry it into effect. While the Dutch, notwithstanding the intimations they received from Stuyvesant, continued unsuspecting or incredulous, an armament, under the command of Colonel Nichols, who was also appointed governor of the province he was about to conquer, was prepared and despatched. After touching at Boston, the fleet sailed to Hudson river, and took a position before the capital of New Netherlands. Stuyvesant resolved to make a gallant defence, but his sentiments did not pervade the minds of the inhabitants, who, apprehending all resistance to the disciplined forces, and powerful artillery of the invaders, utterly hopeless, the most valorous and faithful satisfied themselves with the resolution not to remain the subjects of their tyrannical conqueror, but could not perceive the propriety of aggravating their distress by exposing their persons and habitations to the certainty of capture by storm, and the extremity of military violence.

Colonel Nichols lost no time in sending a summons to surrender the fortress, towns, and the whole territory, to the king of England, as his lawful right, which had been intruded on and usurped by the Dutch. As the reply of Stuyvesant gives what may be considered an authentic account of the grounds of the claims of the Dutch, a part of it is presented to the reader:

"MY LORDS,

"Your first letter, unsigned, of the 20—31 August, together with that of this day, signed according to form, being the 1st of September, have been safely delivered into our hands by your deputies, unto which we shall say, that the rights of his majesty of England, unto any part of America hereabout, amongst the rest, unto the colonies of Virginia, Maryland, or others in New England, whether disputable or not, is that which, for the present, we have no design to debate upon. But that his majesty hath an indisputable right to all lands in the north parts of America

is that, which the kings of France and Spain will disallow, as we absolutely do, by virtue of a commission given to me, by my lords, the high and mighty States-General, to be governor-general over New Holland, the Isles of Curacoa, Bonaire, Aruba, with their appurtenances, and dependencies, bearing date the 26th of July, 1646. As also by virtue of a grant and commission, given by my said lords, the high and mighty States-General, to the West India Company, in the year 1621, with as much power, and as authentic, as his said majesty of England hath given, or can give, to any colony in America, as more fully appears by the patent and commission of the said lords the States-General, by them signed, registered, and sealed with their great seal, which were shewed to your deputies, Colonel George Carteret, Captain Robert Needham, Captain Edward Groves, and Mr. Thomas Delavall, by which commission and patent, together, (to deal frankly with you,) and by divers letters, signed and sealed by our said lords the States-General, directed to several persons, both English and Dutch, inhabiting the towns and villages on Long Island, (which, without doubt, have been produced before you, by those inhabitants,) by which they are declared and acknowledged to be their subjects, with express command, that they continue faithful unto them, under penalty of incurring their utmost displeasure, which makes it appear more clear than the sun at noon-day, that your first foundation (viz. that the right and title of his majesty of Great Britain to these parts of America is unquestionable) is absolutely to be denied. Moreover, it is without dispute, and acknowledged by the world, that our predecessors, by virtue of the commission and patent of the said lords the States-General, have, without control and peaceably, (the contrary never coming to our knowledge,) enjoyed Fort Orange about forty-eight or fifty years, the Mannhattans about forty-one or forty-two years, the South River forty years, and the Fresh Water River about thirty-six years. Touching the second subject of your letter, viz. 'His majesty hath commanded me, in his name, to require a surrender of all such forts, towns, or places of strength, which now are possessed by the Dutch under your command;' we shall answer, that we are so confident of the discretion and equity of his majesty of Great Britain, that in case his majesty were informed of the truth, which is, that the Dutch came not into these provinces by any violence, but by virtue of commissions from my lords the States-General,—first of all in the years 1614, 1615, and 1616, up the North River, near Fort Orange, where, to hinder the invasions and massacres commonly committed by the savages, they built a little

fort, and after, in the year 1622, and even to this present time, by virtue of commission and grant to the governors of the West India Company; and, moreover, in the year 1656, a grant to the honourable the burgomasters of Amsterdam, of the South River, inso-much that, by virtue of the abovesaid commissions from the high and mighty States-General, given to the persons interested as aforesaid, and others, these provinces have been governed, and consequently enjoyed; as also in regard of their first discovery, uninterrupted possession, and purchase of the lands of the princes, natives of the country, and other private persons, though Gentiles,—we make no doubt, that if his said majesty of Great Britain were well informed of these passages, he would be too judicious to grant such an order, principally in a time when there is so straight a friendship and confederacy between our said lords and superiors, to trouble us in the demanding and summons of the places and fortresses which were put into our hands, with order to maintain them, in the name of the said lords the States-General, as was made appear to your deputies, under the names and seal of the said high and mighty States-General, dated the 28th of July, 1646. Besides what had been mentioned, there is little probability, that his said majesty of England. (in regard the articles of peace are printed, and were recommended to us to observe seriously and exactly, by a letter written to us by our said lords the States-General, and to cause them to be observed religiously in this country,) would give order touching so dangerous a design, being also so apparent, that none other than my said lords the States-General have any right to these provinces, and consequently ought to command and maintain their subjects; and in their absence, we, the governor-general, are obliged to maintain their rights, and to repel and take revenge of all threatenings, unjust attempts, or any force whatsoever, that shall be committed against their faithful subjects and inhabitants, it being a very considerable thing to affront so mighty a state, although it were not against an ally and confederate. Consequently, if his said majesty (as it is fit) were well informed of all that could be spoken upon this subject, he would not approve of what expressions were mentioned in your letter."

The reasoning of Stuyvesant, as might have been anticipated, did not produce any effect on his opponents, who made immediate preparations for the reduction of the fort. These prompt measures induced the governor to make another attempt at negotiation; but Colonel Nichols replied, that he could treat on no subject but that of surrender. Unsup-

ported as was Stuyvesant by his countrymen, he felt compelled to agree to a treaty of capitulation, which was concluded on the most favourable terms to the inhabitants; and, to gratify the punctilious feelings of Stuyvesant, an article was introduced, that the English and Dutch limits in America should be settled by the court of England and the States-General. On the 27th of August, 1664, the commissioners on behalf of both parties, met at the governor's farm, and signed the articles of capitulation.

The first article of the treaty declared, "That the States-General, or the West India Company, shall freely enjoy all farms and houses (except such as are in the forts;) and that within six months they shall have free liberty to transport all such arms and munition, as now belong to them, or else they shall be paid for them." The third, that "All people shall still continue free denizens, and shall enjoy their lands, houses, goods, wheresoever they are within this country, and dispose of them as they please." The sixth, that "Any people may freely come from the Netherlands, and plant in this colony, and that Dutch vessels may freely come hither, and any of the Dutch may freely return home, or send any sort of merchandise home, in vessels of their own country." The last of these conditions was manifestly in direct opposition to the navigation acts, and conferred a privilege it was not in the power of the crown to ratify, and which was consequently of very short duration. Favourable as were these conditions, it was not till two days after their signature by the commissioners, that the governor could be induced to add his ratification.

Immediately after its subjugation, New Amsterdam received the name of New York; the appellation was also extended to the whole province. Fort Orange, which capitulated before the close of the month, took the name of Albany. During his abode in that neighbourhood, Carteret, who had been despatched to reduce Fort Orange, had interviews with the chiefs of the Indians of the Five Nations, and entered into a treaty of friendship with them, the beneficial effects of which long continued to be realized by the colonists. Sir Robert Car was equally successful in the south, the garrison of the Delaware surrendering on the 1st of October, on which day the whole of the New Netherlands became subject to the British crown; and by an act of flagrant injustice, the States-General ceased to exercise any authority over the North American continent. All the early writers agree in describing New Amsterdam as a

handsome well-built town. Indeed, the various provisions that were introduced into the articles of surrender, to guard the comforts of the inhabitants from invasion, attest the orderly and plentiful state which these colonists had attained. No account has been preserved of the total population of the province and its dependencies; but the metropolis, at this time, seems to have contained about three thousand persons.* Few of the inhabitants thought proper to remove out of the country. Even Governor Stuyvesant himself continued to hold his estate, and died there. "Justice obliges me to declare," says Smith, "that for loyalty, and a pure attachment to the Protestant religion, the descendants of the Dutch planters are perhaps exceeded by none of his majesty's subjects."†

Nichols immediately assumed the command of the territory he had conquered, as deputy governor for the duke of York; and without delay proceeded to reduce the affairs of the state to one uniform constitution and policy. In imitation of what had been previously established by the Dutch, he erected a court of assize, composed of the governor, the council, and the justices of the peace, which was invested with every power in the colony, legislative, executive, and judicial. The only liberal institution that he was allowed to introduce was trial by jury; and to this admirable check on judicial proceedings all causes and controversies were subjected. The court having collected into one code the ancient customs, with such improvements as the change of circumstances rendered necessary, still regarding the laws of England as supreme, these ordinances were transmitted to England, and confirmed by the duke of York the following year. A dispute having arisen between the inhabitants of Jamaica on Long Island respecting Indian deeds, it was ordered, that no purchase from the Indians should be deemed valid without the governor's license, executed in his presence. Several of the English methods of government were gradually introduced into the province; and on the 12th of June, the inhabitants of New York were incorporated under a mayor, five aldermen, and a sheriff.

When the intelligence of the declaration of war against Holland reached New York, the governor naturally anticipated an attempt on the part of the Dutch to regain their territory of the New Netherlands, and proceeded to adopt measures calculated to insure a vigorous and successful defence. The inhabitants felt the pressure of the assessments made by the court of assize to furnish the requisite pecuni-

* Grahame, vol. ii. p. 225.

† History of New York, p. 23.





ary supplies the more keenly, since their trade, which had been almost exclusively carried on by Dutch shipping, was now nearly annihilated. In these circumstances, Governor Nichols nobly sacrificed the greater part of his fortune to supply the public exigencies. Happily, however, the States-General, made no attempt to repossess themselves of New York during this war; and at the peace of Breda it was ceded to England, in exchange for Surinam, by a general stipulation, that each of the two nations should retain what its arms had acquired since the commencement of hostilities. It was by this treaty also that Acadie was ceded to France, which had acted as the ally of Holland during the war, and was the only party that reaped advantage from it.

Early in the following year, Colonel Nichols found himself compelled, from the pecuniary sacrifices he had made, to resign his appointment. He was both respected and beloved by the people over whose interests he had presided. The benefit of his exertions devolved on his successor, Colonel Lovelace, during whose administration the colony enjoyed nearly six years of content and prosperity, the only memorable occurrence being the unfortunate event that brought it to a close. During the second war with Holland, a small squadron was despatched to destroy the commerce of the English colonies; and having performed this service with great effect, they were induced to attempt a more important enterprise. Repairing with secrecy to New York, they had the good fortune to arrive at the metropolis while Lovelace was at a distance, and the command was exercised by Colonel Manning, who sent down a messenger, and treacherously made terms with the enemy. The Dutch sailed up the harbour, landed their men, and took possession of the fort and city without firing or receiving a shot. Captain Anthony Colve was appointed governor, but he retained the authority for a few months only; peace being concluded the next year, the country was restored to the English by the treaty of Westminster. On this pacification, the duke of York, to remove all doubt respecting his property in America, took out a new patent from the king. This grant recited and confirmed the former. It empowered the duke to govern the inhabitants by such ordinances as he or his assigns should establish, and to administer justice according to the laws of England, allowing an appeal to the king in council. It prohibited trade thither without his permission. It

allowed the provincials to import merchandises, but required them "to pay customs according to the laws of the realm." Under the authority of this charter the duke ruled New York until his accession to the throne of England. He now commissioned Major Edmund Andros to be governor of all his territories from the western bank of the Connecticut to the farther shore of the Delaware. In October, the Dutch resigned their authority to Andros, who immediately received the submission of the inhabitants.

The administration of Andros and of his successor Anthony Brockholst, are not distinguished by any remarkable event. In 1682, Colonel Thomas Dongan was appointed governor. During his government the inhabitants of New York first participated in the legislative power. The council, the court of assize, and the corporation of New York, having concurred in soliciting their royal patentee to permit the people to possess some share in the government, the duke had informed the deputy governor of the province that he intended to establish the same form of government as the other plantations enjoyed "particularly in the choosing of an assembly," and Governor Dongan was accordingly instructed to call an assembly of the province. It was to consist of a council composed of ten members, and a house of representatives chosen by the people, composed of eighteen members; but its laws were to be of no force without the ratification of the proprietary. Orders were issued to the sheriffs, to summon the freeholders for choosing representatives to meet the governor in assembly on the 17th of October. A session of the assembly was held, pursuant to the summons, and several important laws were passed. One of the acts of this assembly, passed on the 30th of October, is entitled, "The Charter of Liberties, and Privileges granted by his royal highness to the Inhabitants of New York and its dependencies." Another session was held the following year, but it is believed there was no other previous to the revolution of 1688.*

The interior of New York was originally inhabited by a confederacy, which consisted at first of five, and afterwards of six, nations of Indians. This confederacy was formed for mutual defence against the Algonquins, a powerful Canadian nation, and displayed much of the wisdom and sagacity which mark the institutions of a civilized people. By their

* Collections of New York Historical Society, vol. iii. p. 347, 352. "It has been alleged, and it is not improbable, that the duke, upon becoming king, refused to confirm the privileges he had before granted, and determined to govern the province by his absolute

power. It is therefore reasonable to suppose, that in the new commission, or orders to Governor Dongan, the authority respecting the assembly was omitted, or revoked."—Holmes's *American Annals*, vol. i. p. 410.

union they had become formidable to the surrounding tribes. Being the allies of the English, the French were alarmed at their successes, and became jealous of their power. In the year 1684, De la Barre, the governor of Canada, marched to attack them, with an army of seventeen hundred men. His troops suffered so much from hardships, famine, and sickness, that he was compelled to ask peace of those whom he had come to exterminate. He invited the chiefs of the five nations to meet him at his camp, and those of three of them accepted the invitation. Standing in a circle, formed by the chiefs and his own officers, he addressed a speech to Garrangula, of the Onondago tribe, in which he accused the confederates of conducting the English to the trading grounds of the French, and threatened them with war and extermination if they did not alter their behaviour. Garrangula, knowing the distresses of the French troops, heard these threats with contempt. After walking five or six times round the circle, he addressed De la Barre in the following bold language, calling him Yonnondio, and the English governor, Corlear :

"Hear, Yonnondio, I do not sleep; I have my eyes open, and the sun which enlightens me, discovers to me a great captain, at the head of a company of soldiers, who speaks as if he was dreaming. He says that he only came to smoke the great pipe of peace with the Onondagas. But Garrangula says, that he sees the contrary; that it was to knock them on the head, if sickness had not weakened the arms of the French. We carried the English to our lakes, to trade there with the Utawawas, and Quatoghies, as the Adirondacs brought the French to our castles, to carry on a trade which the English say is theirs. We are born free, we neither depend on Yonnondio nor Corlear. We may go where we please, and buy and sell what we please. If your allies are your slaves, use them as such; command them to receive no other but your people. Hear, Yonnondio! what I say is the voice of all the Five Nations. When they buried the hatchet at Cadaracui, in the middle of the fort, they planted the tree of peace in the same place, to be there carefully preserved, that instead of a retreat for soldiers, the fort might be a rendezvous for merchants. Take care that the many soldiers who appear there do not choke the tree of peace, and prevent it from covering your country and ours with its branches. I assure you that our warriors shall dance under its leaves, and will never dig up the hatchet to cut it down, till their brother Yonnondio or Corlear shall invade the country which the Great Spirit has given to our ancestors."

De la Barre was mortified and enraged at this bold reply; but, submitting to necessity, he concluded a treaty of peace, and returned to Montreal. His successor, De Nonville, led a larger army against the confederates; but fell into an ambuscade, and was defeated. These wars within the limits of the colony kept Colonel Dongan actively employed, and served to perpetuate the enmity of the Indians against the French, and their attachment to the English.

James II. having ascended the throne, determined to superadd New York and the Jerseys to the jurisdiction of the four colonies of New England; a new commission was passed in March, appointing Sir Edmund Andros captain-general and vice-admiral over the whole. The constitution established on this occasion was a legislative and executive governor and council, who were appointed by the king, without the concurrence of the people. The royal order to Governor Dongan to deliver up the seal of the province to his excellency Sir E. Andros, was read in the provincial council on the 28th of July, and ordered to be entered among the records of the province of New York. His rule was, however, of very brief duration. In the following year, the welcome intelligence of the accession of William and Mary to the British throne was joyfully received at New York, and the inhabitants waited with anxiety for orders to proclaim them; but while the principal officers and magistrates were assembled to consult for the public safety, Jacob Leisler, a captain of the militia, seized the fort, and held it for the prince of Orange. William and Mary were proclaimed there in June; and the province was for some time ruled by a committee of safety, at the head of which was Leisler. He was destitute of many of the qualifications necessary to conduct a difficult enterprise, but possessed the esteem and confidence of many of the officers, and of the people. His sudden elevation excited the envy of those magistrates and citizens who had declined to join him in proclaiming King William. Unable to raise a party against him in the city, they retired to Albany, where their exertions were successful. To diminish their influence, and to allay the jealousy of others, Leisler invited several of the principal citizens to unite with him in administering the government, a trust which had been confided to him alone by the militia. In a few months, however, a letter arrived from the ministry in England, directed "to such as, for the time being, take care for administering the laws of the province," and conferring authority to perform all the duties of lieutenant-governor. Leisler considered this letter addressed to himself, assumed the authority conferred,

appointed his council, and issued commissions in his own name. Before these disturbances, Colonel Dongan had resigned his office, and embarked for England. Lieutenant-governor Nicholson, unable to contend with Leisler, absconded in the night.

The people of Albany, led by Bayard, Courtlandt, formerly mayor of New York, and Livingston, acknowledged King William, but refused to submit to Leisler. Milborne was sent with a body of troops to enforce obedience, but, finding them united, he returned without attempting it. The next spring, going with a stronger force, he succeeded. Abandoning the fort to their rival, the leaders of the party took refuge in the neighbouring colonies; and Leisler, with vindictive rashness, proceeded to confiscate their estates. This arbitrary and unjust measure so exasperated the sufferers, that they long retained the most violent animosity against Leisler and his adherents.

In this state of contention the colonists of New York continued nearly two years, and the miseries of a foreign aggression were soon added to those of internal discord. War had been declared between France and England; and De Nonville had been replaced in the governorship of Canada by Count Frontignac, a veteran officer, whose skilful and energetic measures, aided by a large re-enforcement, soon raised the affairs of the French from the brink of ruin, and enabled them to act on the offensive. Frontignac was indefatigable in his efforts to gain over the Five Nations, who had made two attacks upon Montreal, and murdered a great number of inhabitants. He held a great council with them at Onondaga; and, as they seemed to be somewhat inclined to peace, he resolved to give their favourable disposition no time for change, and, at the same time, to inspirit his own drooping countrymen, by finding them immediate employment against the English colonies. On the 19th of January, a party of about two hundred French, and some Cahnuga Indians, set out, in a deep snow, for Schenectady; they arrived on the 8th of February, at eleven o'clock at night; and the first intimation the inhabitants had of their design, was conveyed in the noise of their own bursting doors. The village was burnt, sixty persons were butchered, twenty-seven suffered the worse fate of captivity, the rest made their way naked through the snow towards Albany, where some arrived in extreme distress, while many perished in the attempt. A party of young men, and some Mohawk Indians, set out from the latter place, pursued the enemy, and killed or captured twenty-five.

To avenge these barbarities, and others perpetra-

ted in New England, a combined expedition against Canada was projected. An army, raised in New York and Connecticut, proceeded as far as the head of Lake Champlain, whence, finding no boats prepared, they were obliged to return. Sir William Phipps, with a fleet of more than thirty vessels, sailed from Boston into the St. Lawrence, and, landing a body of troops, made an attack by land and water upon Quebec; but the return of the army to New York allowing the whole force of the enemy to repair to the assistance of the garrison, he was obliged to abandon the enterprise. Leisler, transported with rage when he was informed of the retreat, caused Winthrop, who commanded the New England forces, to be arrested, but was instantly compelled, by universal indignation, to release him. It was to the misconduct or incapacity of Leisler and Milborne, (the latter of whom, as commissary-general, had made no adequate provision for the enterprise,) that the failure of this expedition was attributed.

The messenger whom Leisler had despatched to convey his assurances of devoted loyalty to King William, had been most graciously received, and admitted to the honour of kissing his majesty's hand. But the latter lieutenant-governor, Nicholson, on his arrival in England, found means to induce the king not to recognise expressly the authority of Leisler, and so early as August, 1689, the government of New York was confided to Colonel Sloughter; though this officer being engaged in affairs of more immediate interest at home, did not arrive at New York till two years afterwards. Leisler felt himself so neglected by being thus superseded, and was so intoxicated with power, that he determined to retain it, and although twice summoned, refused to surrender the fort; he, however, sent two persons to confer with the governor, who, declaring them rebels, arrested and confined them. Alarmed by this measure, Leisler attempted to escape, but was apprehended with many of his adherents, and brought to trial. In vain did they plead their zeal for King William. In vain did Leisler insist that the letter from England authorized him to administer the government. They had lately resisted a governor with a regular commission, and this governor, and a subservient court, were resolved upon their conviction. Leisler and Milborne were both condemned to death for high treason. Sloughter was, however, unwilling to sacrifice two men, who, though they had sometimes erred, had served his master with zeal; but at length he yielded to the urgent persuasions of their enemies, and signed the warrant for their execution, which was speedily car-

ried into effect. On application to the king, their estates, which had been confiscated, were restored to their heirs.

Sloughter's administration was terminated by his sudden death in July, 1691. It had been turbulent and ineffective; the only portion of his government which appears to have been beneficial, was a conference which he held with the chiefs of the Five Nations, who had manifested some disposition to enter into a treaty with the French; but in consequence of Sloughter's explanations and persuasions, they expressed themselves willing to "brighten their ancient belt of friendship," and renew their offensive and defensive league with the English.

To put their friendship to the test, and to confirm it by calling it into exercise, Major Schuyler, who possessed great influence with the Indian chiefs, undertook, at the close of this year, an expedition against Montreal. The attempt did not succeed as to the principal object of attack, but the spirit of hostility was so intensely aroused in the Indians of the Five Nations, that they continued to wage war on the French during the winter, though the colonial troops had retired. Count Frontignac was so exasperated with their continued assaults, that he condemned to a death, accompanied by all the torments French ingenuity could devise, two Mohawk captives, whom the fate of war had thrown into his power. "Shortly before the execution, some Frenchman, less inhuman than his governor, threw a knife into the prison, and one of the Mohawks immediately despatched himself with it: the other, expressing contempt at his companion's mean evasion from glory, walked to the stake, singing in his death-chant that he was a Mohawk warrior, that all the power of man could not extort an indecent expression of suffering from his lips, and that it was ample consolation to him to reflect that he had made many Frenchmen suffer the same pangs that he must now himself undergo. When attached to the stake, he looked round on his executioners, their instruments of torture, and the assembled multitude of spectators, with all the complacency

of heroic fortitude; and, after enduring for some hours, with composed mien and triumphant language, a series of barbarities too atrocious and disgusting to be recited, his sufferings were terminated by the interposition of a French lady, who prevailed with the governor to order that mortal blow, to which human cruelty has given the name of *coup de grace*, or stroke of favour."*

Colonel Fletcher was appointed to succeed Sloughter, as governor of New York. He was active and energetic, but of sordid disposition and violent temper. One of his first exploits, the assertion of his claim to command the militia of Connecticut, and the reception given him by Captain Wadsworth, has already been related in the history of that colony. It was a fortunate circumstance that he yielded to the superior information and advice of Major Schuyler in all affairs relating to the Indians, who were thus kept from embracing the offers of peace which were continually presented them by Count Frontignac.

It had been the favourite object of all the governors of New York to assimilate the language and religion of the inhabitants, and to remove, as much as possible, the more striking indications of the Dutch origin of the colony. No one pursued this object with more zeal than Fletcher, who was bigotedly attached to the church of England. In two successive sessions he introduced the subject to the attention of the assembly; but the members, being generally in favour of the church of Holland, to his great mortification, disregarded his recommendations. The matter being again laid before them in a subsequent session, they passed a bill providing for the settlement, in certain parishes, of ministers of the gospel, to be chosen by the people. The council added an amendment, giving to the governor the power of approval or rejection; but the house refused to concur in the amendment, at which Fletcher was so much enraged, that he commanded them instantly to attend him, and addressing them in an angry speech, prorogued them to the next year.†

The remainder of Fletcher's administration was

* Grahame, vol. ii. p. 279. Smith, p. 78, 79.

† This speech is at once a specimen of Colonel Fletcher, and of colonial government; it is therefore inserted at length. "Gentlemen,—There is also a bill for settling a ministry in this city, and some other countries of the government. In that very thing you have shown a great deal of stiffness. You take upon you, as if you were dictators. I sent down to you an amendment of three or four words in that bill, which, though very immaterial, yet was positively denied. I must tell you, it seems very unmannerly. There never was an amendment yet desired by the council board, but what was rejected. It is the sign of a stubborn ill temper, and this I have also passed. But, gentlemen, I must take leave to tell you, if you seem to understand by these words, that none can serve without your collation or establishment, you are far mistaken. For I

have the power of collating or suspending any minister in my government, by their majesties' letters patent; and whilst I stay in the government, I will take care that neither heresy, sedition, schism, or rebellion, be preached among you, nor vice and profanity encouraged. It is my endeavour to lead a virtuous and pious life amongst you, and to give a good example: I wish you all to do the same. You ought to consider, that you have but a third share in the legislative power of the government; and ought not to take all upon you, nor be so peremptory. You ought to let the council have a share. They are in the nature of the house of lords, or upper house; but you seem to take the whole power in your hands, and set up for every thing. You have set a long time to little purpose, and have been a great charge to the country. Ten shillings a day is a large allowance, and you punctually exact it. You have been

not signalized by any occurrence worthy of record. The war between the French and the Five Nations sometimes languished by the address of Frontignac's negotiations, but was oftener kindled into additional rage and destruction by his enterprise and activity ; and as their hostilities were prolonged, the French and the Indians seemed to be inspired with a mutual emulation of cruelty in victory, no less than of prowess in battle. The prisoners on both sides were made to expire in horrible tortures.* "On one occasion, when Frontignac succeeded in capturing a Mohawk fort, it was found deserted of all its inhabitants except a sachem in extreme old age, who sat with the composure of an ancient Roman in the capitol, and saluted his civilized compeer in age and infirmity with dignified courtesy and venerable address. Every hand was instantly raised to wound and deface his time-stricken frame ; and while French and Indian knives were plunged into his body, he recommended to his Indian enemies rather to burn him with fire, that he might teach their French allies how to suffer like men."†

In 1697, the peace of Ryswick, which was concluded between Great Britain and France, gave security and repose to the colonies. The next year, the earl of Bellamont was appointed governor. He was particularly desirous of clearing the American seas of the pirates with which they had for some time been grievously infested. The government, however, declining to furnish an adequate naval force, the earl engaged with others in a private undertaking against them. Among the associates were Lord Chancellor Summers and the duke of Shrewsbury ; the king himself, too, held a tenth share. The company, having procured a vessel of war, gave the command to Captain Kidd, and despatched him on a cruise against the pirates. He had been but a short time at sea, when he made a new contract with his crew, and, on the Atlantic and Indian oceans, became himself a daring and successful pirate. Three years afterwards he returned, burned his ship, and, with a strange infatuation, appeared in public at Boston. The earl

always forward enough to pull down the fees of other ministers in the government. Why did you not think it expedient to correct your own to a more moderate allowance ? Gentlemen, I shall say no more at present, but that you do withdraw to your private affairs in the county. I do prorogue you to the 10th of January next, and you are hereby prorogued to the 10th day of January next ensuing."—Smith, p. 84, 85.

* We shall give but one instance out of many. "The prisoner being first made fast to a stake, so as to have room to move round it, a Frenchman began the horrid tragedy, by broiling the flesh of the prisoner's legs, from his toes to his knees, with the red-hot barrel of a gun. His example was followed by an Utawawa, who, being desirous to outdo the French in their refined cruelty, split a furrow from the prisoner's shoulder to his garter, and filling it with gunpowder, set fire to it. This gave him exquisite pain, and

of Bellamont wrote to the secretary of state, desiring that Kidd might be sent for, and a man-of-war was despatched upon this service ; but being driven back by a storm, a general suspicion prevailed in England, that there was collusion between the ministry and the adventurers, who were thought unwilling to produce Kidd, lest he might discover that the chancellor and the other associates were confederates in the piracy. So powerful was this feeling, that a motion was made in the house of commons, that all who were concerned in the adventure might be deprived of their employments ; but it was rejected by a great majority, and all subsequent attempts to implicate the unfortunate shareholders, only proved more satisfactorily their entire innocence of any participation either in the designs or the profits of Captain Kidd ; although their imprudence in selecting a person whose previous character was very indifferent, was evident and undeniable. Ultimately Kidd was conveyed to England, where he was tried and executed.

The state in which Lord Bellamont found the government at New York was thus emphatically described by him in his first address to the assembly : "I cannot but observe to you, what a legacy my predecessor has left me, and what difficulties to struggle with ; a divided people, an empty purse, a few miserable, naked, half-starved soldiers, not half the number the king allowed pay for ; the fortifications, and even the governor's house, very much out of repair ; and, in a word, the whole government out of frame." After this introduction, he puts them in mind that the revenue was near expiring. "It would be hard," he adds, "if I that come among you with an honest mind, and a resolution to be just to your interest, should meet with greater difficulties, in the discharge of his majesty's service, than those that have gone before me. I will take care there shall be no misapplication of the public money. I will pocket none of it myself, nor shall there be any embezzlement by others ; but exact accounts shall be given you, when, and as often, as you shall require."‡

The abuses and corruption of the late governor,

raised excessive laughter in his tormentors. When they found his throat so much parched that he was no longer able to gratify their ears with his howling, they gave him water, to enable him to continue their pleasure longer. But at last his strength failing, an Utawawa flayed off his scalp, and threw burning hot coals on his skull. They then untied him, and bid him run for his life. He began to run, tumbling like a drunken man. They shut up the way to the east, and made him run westward, the country, as they think, of departed miserable souls. He had still force left to throw stones, till they put an end to his misery by knocking him on the head. After this every one cut a slice from his body, to conclude the tragedy with a feast."—Smith, p. 88.

† Grahame, vol. ii. p. 287.

‡ Smith's History of New York, p. 93, 94.

however, were by no means the most severe disorders which marred the peace of the colony; the increasing animosity of two numerous factions, consisting of the friends and the enemies of the unfortunate Leisler, were a still greater evil. Their mutual antipathy was roused by the occurrence of fresh opportunities to indulge it, and the public business of the province was seriously impeded. The character and manners of Lord Bellamont were adapted to compose these dissensions, although his just displeasure against the conduct of his predecessor extended itself to every person who had held office along with him, and in this class were comprehended the principal adversaries of Leisler. The assembly now consisted chiefly of the friends of Leisler, and they voted the sum of 1000*l.* to be paid to his son, to be levied immediately on the province, as a compensation for the damage he had sustained by the violent proceedings against his father.

The administration of Lord Bellamont, which was proceeding with a degree of integrity and wisdom calculated to excite hopes of very beneficial results to the colony, was terminated by his sudden demise, in March, 1701. In the appointment of a successor, that principle appears to have been acted upon, which has been so extensively injurious to the prosperity and to the loyalty of British colonies: the convenience of the ministry at home, and not the welfare of the state, induced them to send into honourable and gainful exile, the grandson of the celebrated earl of Clarendon. Possessing not one of the virtues of his ancestor, Lord Cornbury was mean, profligate, and unprincipled; a burden to his friends at home, they procured for him an appointment beyond the reach of his creditors. He declared himself an anti-Leislerian, and, by his influence, the first assembly that he summoned was composed principally of men of that party. They provided liberally for his expenses; yet several sums of money raised for public purposes, being entrusted to him as governor, were chiefly appropriated to his own use. His extravagance and oppression exposed him to the reprehensions of the house of assembly. A committee of grievances was appointed, and the resolutions proposed by them were adopted by the assembly. Although this took place at the beginning of the session, the haughty governor was so subdued by the opposition against him, and so dispirited through indigence, that he not only omitted to justify himself, but to show even an impotent resentment; for, after all the censures of the house, he tamely thanked them for passing a bill to discharge him from a small debt. Among the resolutions adopted by the assembly is one too remarkably indicative

of the tendency to independence which existed even at this period, to suffer it to pass unnoticed. It declares, "That the imposing and levying of any monies upon her majesty's subjects of this colony, under any pretence or colour whatsoever, without consent in general assembly, is a grievance, and a violation of the people's property;" an open avowal of the sentiment which subsequently occasioned the revolution.

The profligate and indecent manners of the governor rendered him universally odious. It was not uncommon for him to dress himself in a woman's habit, and then to patrol the fort in which he resided. Such freaks of low humour exposed him to the universal contempt of the people, while their indignation was kindled by his despotic rule, and injustice, not only to the public, but even to his private creditors; for he left some of the lowest tradesmen in his employment unsatisfied in their just demands.* In 1708, the assemblies of New York and of New Jersey, of which colony he was also governor, complained to the queen of his misconduct. She removed him from office; he was soon after arrested by his creditors, and remained in custody until the death of his father, when he returned to England and took his seat—where pauperism and crime were no disqualification for the highest honours and the most important duties—in the house of lords. Lord Lovelace, who had been appointed to succeed Lord Cornbury in the spring of 1708, did not arrive till the middle of December. The oppressive character of the preceding administration had rendered the people very desirous of a change, and the new governor was received with every demonstration of respect, and indeed with universal joy. His lordship informed them, in his speech at the opening of the session of the assembly, "that he had brought with him large supplies of soldiers and stores of war, as well as presents for the Indians," than which nothing could be more agreeable to the people. Although the assembly, in their answer, heartily congratulated his lordship on his arrival, and thanked the queen for her care of the province, yet they sufficiently intimated their disinclination to raise the revenue which the governor had requested. Lord Cornbury's conduct had rendered them utterly averse to a permanent support for the future, and yet they were unwilling to quarrel with the new governor. The project of providing annually for the support of government, however, as it rendered the governor and all the other servants of the crown dependent upon the assembly, would, doubtless, have produced a rupture between the several branches of

* Smith's History of New York, p. 207.

the legislature, but the very day on which the vote passed the house, his lordship died of a disorder contracted at his first arrival. His lady continued to reside at New York long after his death, soliciting for the sum voted to her husband, but nothing was allowed till several years had transpired.

When General Hunter, who had been appointed to succeed Lord Lovelace, arrived in the colony, he brought with him nearly three thousand Germans, some of whom settled in New York, and some in Pennsylvania. During the disgraceful administration of Lord Cornbury, the assembly had obtained from Queen Anne permission, in cases of special appropriations, to appoint their own treasurer. They now passed a bill, confiding to this officer the disbursement of certain sums appropriated for ordinary purposes. The council proposed an amendment. The house denied the right of that body to amend a money bill. Both continuing obstinate, the governor prorogued them, and at their next session dissolved them.

In the year 1709, expensive preparations were made for an attack upon the French settlements in Canada; but the promised assistance not arriving from England, the enterprise was abandoned. In 1711, however, the project was resumed; and a fleet sailed up the St. Lawrence to attack Quebec, while an army of four thousand men, raised by New York, New Jersey, and Connecticut, marched to invade Canada, by the route of lake Champlain. The fleet, shattered by a storm, was compelled to return; and the army, informed of the disasters of the fleet, retired without accomplishing the object proposed.

To defray the expenses of this expedition, the newly elected assembly passed several bills, which the council persisted in amending. Between these two bodies another contest ensued. The representatives, deriving their authority from the people, considered themselves bound to watch over the expenditure of the money. The council, deriving their authority from the same source as the governor, were desirous of increasing his influence by giving him the management of the revenue. During this and a subsequent session both continued inflexible. The governor, provoked at the persevering determination of the representatives, again dissolved the assembly. At the ensuing election, which was warmly contested, most of the members chosen were opposed to the governor. This assembly was dissolved by the death of the queen. The next met a similar fate from the governor soon after it met, a majority of the representatives being known to be unfriendly to his views. At length, however, the people became weary of con-

tending; and most of the members chosen at the succeeding election were favourable to the governor, and, for several years, the utmost harmony existed between the different branches of the legislature.

General Hunter quitted the province in 1719, and his authority devolved on Peter Schuyler, the oldest member of the council. The next year, William Burnet, son of the celebrated bishop of that name, was appointed governor. "He was," says Smith, "a man of sense and polite breeding, a well-read scholar, sprightly, and of a social disposition. Being devoted to his books, he abstained from all those excesses into which his pleasurable relish would otherwise have plunged him. He studied the art of recommending himself to the people, had nothing of the moroseness of a scholar, was gay and condescending, affected no pomp, but visited every family of reputation, and often diverted himself in free converse with the ladies, by whom he was very much admired. No governor before him did so much business in chancery. The office of chancellor was his delight. He made a tolerable figure in the exercise of it, though he was no lawyer, and had a foible very unsuitable for a judge, I mean, his resolving too speedily, for he used to say of himself, 'I act first, and think afterwards.'"^{*} Mr. Burnet's long acquaintance with his predecessor in office gave him an excellent opportunity, before his arrival, to obtain correct information respecting those by whom he was now surrounded; and as the late governor recommended all his old friends to the favour of his successor, he made few changes among them.

Of all the governors of New York, none had more just views of Indian affairs, and of the dangers arising from the vicinity of the French, than Burnet. Turning his attention towards the wilderness, he perceived that the French, in order to connect their settlements in Canada and Louisiana, to secure to themselves the Indian trade, and to confine the English to the sea coast, were busily employed in erecting a chain of forts from the St. Lawrence to the Mississippi. He endeavoured to defeat their design, by building a trading-house, and afterwards a fort, at Oswego, on Lake Ontario. But the French had the command of more abundant resources, and applied them to the accomplishment of their object with great activity and zeal. They launched two vessels upon that lake; and, going farther into the wilderness, erected a fort at Niagara, commanding the entrance into it; they had previously erected Fort Frontignac, commanding the outlet. The Jesuit

^{*} History of New York, p. 152.

Charlevoix does no more than justice to Mr. Burnet, in declaring that he left no stone unturned to defeat the French at Niagara. Besides supplanting his favourite trade at Oswego, these operations tended to the defection of the Five Nations; and, in case of a rupture, exposed the frontiers of the southern colonies to the ravages of the French and their allies. Mr. Burnet, upon whom these considerations made the deepest impression, laid the matter before the house, remonstrated against the proceedings to Longueuil, in Canada, wrote to the ministry in England, who complained of them to the French court, and met the confederates at Albany, endeavouring to convince them of the danger they themselves would be in from an aspiring, ambitious neighbour. He spoke first about the affair privately to the sachems, and afterwards, in the public conference, informed them of all the encroachments which the French had made upon their fathers, and the ill-usage they had met with, according to La Potherie's account, published with the privilege of the French king, at Paris, in 1722. He then reminded them of the kind treatment they had received from the English, who constantly fed and clothed them, and never attempted any act of hostility to their prejudice. This speech was extremely well drawn, the thoughts being conceived in strong figures, particularly expressive and agreeable to the Indians. The governor required an explicit declaration of their sentiments concerning the French transactions at Niagara, and their answer was truly categorical. "We speak now in the name of all the Six Nations, and come to you howling. This is the reason why we howl, that the governor of Canada encroaches on our land, and builds thereon." After which they entreated him to write to the king for succour. Mr. Burnet embraced this favourable opportunity to procure from them a deed, surrendering their country to his majesty, to be protected for their use, and confirming their grant in 1701, concerning which there was only an entry in the books of the secretary for Indian affairs.

It was an unfortunate circumstance, which tended to prevent the execution of Mr. Burnet's vigorous designs, that the electors of the colony had become dissatisfied at the length of time which had elapsed since they had been called on to exercise their functions. The assembly elected in 1716 had been on such good terms with the governor, that he continued its existence during the long period of eleven years. In the year 1727, however, the clamours of the people induced him to dissolve it; and, as might be expected, that which next met, was composed almost exclusively of his opponents. The court of chancery,

in which he presided, had become exceedingly unpopular. It had been instituted by an ordinance of the governor and council, without the concurrence of the assembly, and some of the decisions had given great offence to powerful individuals. The house passed resolutions, declaring it "a manifest oppression and grievance," and intimating that its decrees were void. Mr. Burnet no sooner heard of these votes, than he called the members before him, and dissolved the assembly. They occasioned, however, an ordinance in the spring following, as well to remedy sundry abuses in the practice in chancery, as to reduce the fees of that court, "which, on account of the popular clamours, were so much diminished," says Smith, "that the wheels of the chancery have ever since rusted upon their axles, the practice being contemned by all gentlemen of eminence in the profession."

Mr. Burnet was soon after appointed governor of Massachusetts, and was succeeded at New York by Colonel Montgomery, who devoted himself so much to his ease that he has left nothing else to distinguish his brief rule. Upon his death, in 1731, the supreme authority devolved upon Rip Van Dam, the senior member of the council. Under his inefficient administration, the French were permitted to erect a fort at Crown Point, within the acknowledged boundaries of New York, from which parties of savages were often secretly despatched to destroy the English settlements.

In August, 1732, Van Dam was superseded by William Cosby. Having been the advocate in parliament of the American colonies, he was at first popular, but he soon lost the affection and confidence of the people. One of his most unpopular acts was the prosecution of Zenger, the printer of a newspaper, for publishing an article derogatory to the dignity of his majesty's government, bringing him to trial, after a severe imprisonment of thirty-five weeks from the printing of the offensive articles. Andrew Hamilton, an eminent lawyer of Philadelphia, though aged and infirm, learning the distress of the prisoner, and the importance of the trial, went to New York to plead Zenger's cause, which he did so effectually, that the jury brought in the prisoner not guilty. The common council of the city of New York, for this noble and successful service, presented Mr. Hamilton the freedom of their corporation in a gold box.

Governor Cosby was succeeded, in 1736, by George Clark. During his administration, the contest which had ended, twenty years before, in the victory gained by Governor Hunter over the house

of representatives, was revived. The colony being in debt, the house voted to raise the sum of 6000*l.*; but, in order to prevent its misapplication, declared that it should be applied to the payment of certain specified debts. Offended by this vote, Clark immediately dissolved the assembly. At the election which ensued, the popular party was triumphant. In their second session, the house voted an address to the lieutenant-governor, in which, after stating some of the vital principles of free government, and referring to recent misapplications of money, they say, "We therefore beg leave to be plain with your honour, and hope you will not take it amiss when we tell you, that you are not to expect that we will either raise sums unfit to be raised, or put what we shall raise into the power of a governor to misapply, if we can prevent it; nor shall we make up any other deficiencies than what we conceive are fit and just to be paid; nor continue what support or revenue we shall raise for any longer time than one year; nor do we think it convenient to do even that, until such laws are passed as we conceive necessary for the safety of the inhabitants of this colony, who have reposed a trust in us for that only purpose, and which we are sure you will think it reasonable we should act agreeably to; and, by the grace of God, we shall endeavour not to deceive them." With men so resolute in maintaining their rights, Clark wisely declined to contend; and promised his cordial co-operation in all measures calculated to promote the prosperity of the colony. Harmony did not, however, long continue. Clark, in his speech at the opening of the next session, declared that unless the revenue was granted for as long a time as it had been granted by former assemblies, his duty to his majesty forbade him from assenting to any act for continuing the excise, or for paying the colonial bills of credit. The house unanimously resolved, that it would not pass any bill for the grant of money, unless assurance should be given that the excise should be continued and the bills of credit redeemed. The lieutenant-governor immediately ordered the members to attend him. He told them that "their proceedings were presumptuous, daring, and unprecedented, that he could not look upon them without astonishment, nor with honour suffer the house to sit any longer;" and he accordingly dissolved it. In April, 1740, the assembly again met. It had now risen to importance in the colony; and the adherence of the representatives, to their determination, not to grant the revenue for more than one year, made annual meetings of the assembly necessary. Their attachment to liberty was construed by the lieutenant-

governor into a desire for independence: in a speech delivered in 1741, he alludes to "a jealousy which for some years had obtained in England, that the plantations were not without thoughts of throwing off their dependence on the crown."

George Clinton superseded Clark in the government of the colony in 1743. Like most of his predecessors he was welcomed with joy; and one of his earliest measures confirmed the favourable accounts which had preceded him, of his talents and liberality. To manifest his confidence in the people, he assented to a bill limiting the duration of the present and all succeeding assemblies. The house evinced its gratitude by adopting the measures he recommended for the defence of the province against the French, who were then at war with England. In 1745, the savages in alliance with France made frequent invasions of the English territories; and their hostilities were continued, with little intermission, till the war which terminated the French dominion in Canada.

In the middle of the seventeenth century, the whole colony of New York contained scarcely one hundred thousand inhabitants,* not half the number which the city of New York alone can now boast. That the population would have been much more numerous at this time, had not the inhabitants been so continually exposed to the irruptions of the French and their Indian allies, is evident from its rapid increase when those unfavourable circumstances ceased to exist. The consideration of this period belongs, however, to another department of the work.

CHAPTER VIII.

NEW JERSEY.

THE rival settlements of the Swedes and the Dutch in New Jersey have been referred to in the preceding chapter. It was not till the year 1640, that any attempt to colonize this portion of the continent was made by the English, and then they were successfully resisted. The Swedes built a fort on the spot from which the English had been driven; and thus acquiring the command of the river, claimed and exercised authority over all vessels that entered it, even those of the Dutch, their late associates. They continued in possession of the country on both sides of the Delaware until 1655, when the governor of the New Netherlands, as has already been related, con-

* Smith's History of New York, p. 207.

quered all their posts, and transported most of the Swedes to Europe. The Dutch, consequently, possessed themselves of the whole territory of New Jersey, New York, and Delaware.

The settlements in New Jersey shared the fate of those on the Hudson, when, in the year 1664, they were captured by the English, under Colonel Nichols. In the same year, the duke of York conveyed that portion of his grant lying between Hudson and Delaware rivers to Lord Berkeley and Sir George Carteret. This tract was called *NEW JERSEY*, in compliment to Sir George, who had been Governor of the island of Jersey, and had held it for the king in his contest with the parliament. The two proprietors formed a constitution for the colony, securing equal privileges and liberty of conscience to all, and appointed Philip Carteret governor, to whom, on his arrival in 1665, Nichols reluctantly surrendered the government. Carteret fixed the seat of government at Elizabeth Town, purchased land of the Indians, and sent agents into New England to invite settlers from that quarter. Recommended by the salubrity of its climate, in addition to many other advantages,* it is not surprising that New Jersey was soon considered a very desirable residence. The proprietaries, still buoyed up with the hope of revenue from their province, used every exertion to circulate the intelligence of its advantages, both in Europe and America, and vessels from England were freighted with settlers and stores to reinforce the numbers and supply the necessities of the colony. But the period to which they had looked for the fulfilment of their hopes only demonstrated their fallacy. The first demand of the quit-rents excited general disgust among the colonists, who refused to acknowledge the title of the proprietaries, and, in opposition to it, set up titles which they had obtained for themselves from the Indians. For two years the governor maintained an ineffectual struggle to enforce the claims of the proprietaries, till at length the popular discontent broke forth in an insurrection; and he was compelled to return to England, stripped of his functions, which the colonists forthwith conferred on a natural son of Sir George Carteret, by whom their pretensions had been abetted. It was impossible for the proprietaries to impute blame to their governor, or to hesitate to replace him. This measure, however, was retarded by the unexpected events of the following year, when New York for a short period reverted to the dominion of Holland, and New Jersey was re-united to the province of New Netherlands.

* Chalmers says, "It was in those days accounted by men of peculiar dispositions as worthy of the name of paradise, because it

When the treaty of London re-established the authority of England in New Jersey, the duke of York appointed Andros his lieutenant over his territories, extending from the western bank of the Connecticut to the farther shore of the Delaware, because he deemed his former grant of New Jersey annulled by the conquest. Andros took possession of his charge in November, 1674; confirming the late proceedings of the Dutch, because the law of nations had already declared them in force, and continuing the taxes imposed by the conquerors, because they supported his power. Lord Berkeley, dissatisfied with an estate which brought him neither profit nor honour, assigned his pretensions to William Penn and his three associates, who, perceiving the disadvantage of a joint proprietorship, divided the province with Carteret, and thus the country became partitioned into East and West Jersey. The former was released in July, 1676, by the assignees of Lord Berkeley, to Carteret, and he in return conveyed to them the latter, the government of which the duke retained as a dependency of New York, while that of the first was resigned to Carteret. These arrangements created a confusion of jurisdiction, and an uncertainty of property, which long distracted the people, and at length ended in the annihilation of the rule of the proprietors.

Philip Carteret returned to East Jersey in the beginning of 1675, and was now kindly received by the inhabitants, because they had felt the rigours of conquest, which had not been softened by Andros. Having postponed the payment of quit-rents to a future day, and published new concessions with regard to the tenure of lands, tranquillity was perfectly restored. Desirous to promote the commercial interests of the colony, because he perceived its neighbour growing great and rich by trade, Carteret began, in 1676, to clear out vessels from East Jersey; but he was steadily opposed by Andros, who claimed jurisdiction over the Jerseys, insisting that conquest by the Dutch divested the proprietors of all their rights. He forcibly seized, transported to New York, and there imprisoned, those magistrates who refused to acknowledge his authority. He imposed a duty upon all goods imported, and upon the property of all who came to settle in the country.

The inhabitants made repeated and energetic complaints of this injustice to the duke of York; and at length, wearied with their continual importunity, this prince consented to refer the matter to commissioners, who ultimately agreed to adhere to the opinion of Sir William Jones.

had no lawyers, or physicians, or parsons."—*Political Annals* p. 616.

The document containing the arguments in support of the views of the colonists, was drawn up by the celebrated William Penn and others, chiefly quakers, and is a fine specimen of the combined mildness and firmness in the pursuit of liberty, which characterize the proceedings of that sect and their associates. "To all prudent men," says the remonstrance, "the government of any place is more inviting than the soil. For what is good land without good laws? the better the worse. And if we could not assure people of an easy, and free, and safe government, both with respect to their spiritual and worldly property, — that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, — a mere wilderness would be no encouragement; for it were a madness to leave a free, good, and improved country, to plant in a wilderness, and there adventure many thousands of pounds to give an absolute title to another person to tax us at will and pleasure. We humbly say, that we have lost none of our liberty by leaving our country; that the duty imposed upon us is without precedent or parallel; that, had we foreseen it, we should have preferred any other plantation in America. Besides, there is no limit to this power: since we are, by this precedent, taxed without any law, and thereby excluded from our English right of assenting to taxes, what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil, but for our personal estates. Such conduct has destroyed governments, but never raised one to any true greatness."

The commissioners pronounced their judgment, in conformity with the opinion of Sir W. Jones, "that as the grant to Berkeley and Carteret had reserved no profit or jurisdiction, the legality of the taxes could not be defended." In consequence of this adjudication, the duke resigned all his claims on West Jersey, and confirmed the province itself in the amplest terms to its new proprietaries; and soon after granted a similar release in favour of the representatives of Sir George Carteret in East Jersey. The whole of New Jersey thus rose to the rank of an almost independent state, maintaining only a federal connexion with the British crown.

The accession of numerous companies of settlers now rapidly promoted the population and prosperity of West Jersey. In the year 1681, the first representative assembly was held; and during its session

were enacted the "Fundamental Constitutions," and other laws for the preservation of property, and the punishment of criminals.

Frequent disputes arising between the proprietary government of East Jersey and the colonists, the trustees of Sir George Carteret, apprehending they should derive little emolument from retaining the government under their control, offered their rights in the province for sale, and accepted the proposals of William Penn, to whom, and his associates, East Jersey was conveyed.* Among the new proprietors was the author of the well-known "Apology;" and his colleagues, by a unanimous vote, conferred on him the office of governor for life, with the extraordinary permission to appoint a deputy instead of his residing at the scene of his authority.

The number of proprietors, and the frequent transfers and subdivisions of shares, introduced such confusion in titles to land, and such uncertainty as to the rights of government, that, for twenty years afterwards, both Jerseys were frequently in a state of disturbance and disorder. In 1702, the proprietors, weary of contending with each other, and with the people, surrendered the right of government to the crown. Queen Anne reunited the two divisions, and appointed Lord Cornbury governor over the provinces of New Jersey and New York. From the period of his appointment till his deprivation of office, the history of New Jersey consists of little else than a detail of his contests with the colonial assemblies; and exhibits the resolution with which they opposed his arbitrary conduct, his partial distribution of justice, and his fraudulent misapplication of the public money. After repeated complaints, the queen yielded to the universal indignation; and he was superseded, in 1709, by Lord Lovelace.

These provinces continued, for several years, to be ruled by the same governor, but each chose a separate assembly. In 1738, the inhabitants, by petition to the king, desired that they might, in future, have a separate governor; and their request was granted.

The distance of New Jersey from Canada, the source of most of the Indian wars which afflicted the northern colonies, gave it a complete exemption from those direful calamities, while the Indian tribes in the neighbourhood, which were far from numerous, were almost always willing to cultivate a friendly relation with the Europeans. The gravity, simplicity, and courtesy of quaker manners, seem to have been particularly acceptable to these savages; and,

* Though Penn thus became a proprietary of East Jersey, his connexion both with its concerns, and with those of West Jersey, was henceforward almost merely nominal. He had now acquired

for himself the province of Pennsylvania, which occupied all his interest, and diverted his attention from New Jersey."—Grahame, vol. ii. p. 350.

added to the careful observation of the principles of equity in the proceedings of the colonists, established an amicable intercourse to the manifest advantage both of themselves and of the natives.

CHAPTER IX.

PENNSYLVANIA AND DELAWARE.

DURING a considerable period the colony of Delaware was attached to that of Pennsylvania, without even a separate assembly; and after it acquired that privilege, it remained for some time longer under the same governor: its history requires, therefore, to be blended with that of Pennsylvania, although it was settled at a much earlier period.

It does not appear that the date of the first European plantation on South River, or the Delaware, can now be ascertained with any precision; some authorities, however, assert, that a Swedish colony settled at Cape Henlopen as early as the year 1627; although Chalmers is of opinion that, "though various Europeans may have trafficked in Delaware, their plantations had not yet embellished her margin, probably in the year 1632." Shortly after that time, however, it is evident that a Swedish factory existed near the confluence of the Delaware on the eastern bank; for we find a governor of the Dutch colony of New Netherlands making a remonstrance on the subject, in which he declares "that the whole South River had been in the Dutch possession many years, above and below beset with forts, and sealed with their blood."* The Swedes, however, did not regard either the assertions or threats of their rivals, but continued their operations, which, through the limited extent of their means, did not extend beyond the purchase of some comparatively small tracts of land of the Indians. Being frequently molested by the Dutch, who claimed a right to the country, they built forts at Christina, Lewiston, and Tinicum. The last was their seat of government, and there John Printz, their governor, erected a mansion, which he named after himself.

The Dutch, jealous of the progress of the Swedes, in the year 1651 built a fort at New Castle. Printz considering this place to be within the territories of his government, formally protested against the proceeding. Risingh, his successor, made a visit, under the guise of friendship, to the commander of the fort, and being accompanied by thirty men, treacherously

took possession of it while enjoying his hospitality. Peter Stuyvesant, the Dutch governor of New York, was not of a temper to permit an injury, thus committed, to pass unavenged. Accompanied by an armament, a part of which was furnished for the occasion by the city of Amsterdam, in Holland, he, in 1655, returned the visit of the Swedes. He first reduced the fort at New Castle; then that at Christina creek, where Risingh commanded; and afterwards the others. Some of the Swedes, on taking the oath of allegiance to Holland, were permitted to remain; the rest were sent to Europe. The settlements on the Delaware continued under the control of the Dutch, until 1664, when the New Netherlands were conquered by the English. They were considered as a part of New York, till, in the year 1682, William Penn purchased of the duke of York the town of New Castle, and the country twelve miles around it; and, by a subsequent purchase, obtained the land lying upon the Delaware, and between New Castle and Cape Henlopen. These tracts, which constitute the present state of Delaware, were called the "Territories," and were, for twenty years, governed as a part of Pennsylvania.

The colony which forms the chief subject of this chapter, was founded, in the year 1681, by the celebrated William Penn. A slight sketch of the early history of this remarkable man, will enable the reader more justly to appreciate his subsequent exertions. He was the son of Sir William Penn, a British admiral, who, under the protectorate of Cromwell, effected the conquest of the important island of Jamaica, and annexed it to the British empire. After the restoration of Charles II. he enjoyed high favour at court, and naturally entertained ambitious hopes of the advancement of his son, whom he had entered as a gentleman commoner at Oxford. He was, however, doomed to experience a bitter disappointment. Young Penn imbibed a strong predilection for quaker sentiments, which he had heard extolled by some itinerating member of that society. He espoused the cause with so much warmth, that, with several others, he was expelled the university. His father, having in vain endeavoured to prevail upon him to abandon his principles, at length devised a method of sapping what he could not overthrow; and for this purpose, sent his son to travel, with some young men of quality, in France. Quakerism and Christianity were checked alike, for a time, in the mind of Penn; but after his return, having repaired to Ireland to inspect an estate that belonged to his father, he met with the same itinerant preacher who had impressed his mind so powerfully ten years before. His quaker senti-

* Smith's History of New York, p. 4.

ments were now revived with increased zeal, and quickly produced a public and resolute expression of his attachment to the tenets of that sect. He could not even be persuaded to take off his hat in the presence of the king, or of his parent. For this inflexibility he was abandoned and denounced by his father. He then commenced itinerant preacher, and gained many proselytes. Though sometimes imprisoned, he still persevered; and such was his integrity and patience, that his father became reconciled to him. In 1668, he published a book, entitled, *The Sandy Foundation Shaken*, for which he was imprisoned seven months. In 1670, he was apprehended for preaching in the street, and was tried at the Old Bailey, where he pleaded his own cause with the magnanimity of a hero. The jury returned a verdict of not guilty. On the death of his father he received a plentiful estate, but he continued to preach, to write, and to be imprisoned as before; and it was chiefly owing to his exertions, in conjunction with those of Barclay and Keith, that the fraternity of the Friends was formed into order.

The attention of Penn to colonization was attracted by his connexion with New Jersey, which has been referred to in a former chapter. While he was engaged in the government of that territory, he received information of the country situate to the westward of the Delaware, which induced in his mind the desire of acquiring an estate in that quarter. He therefore presented a petition to Charles II., urging his claim for a debt incurred by the crown to his father, and soliciting a grant of land to the northward of Maryland, and westward of the Delaware. After a conference with the duke of York and Lord Baltimore, to ascertain that the grant would not interfere with any prior claims of theirs, a charter, making conveyance of that territory, was signed and sealed by the king. It constituted William Penn and his heirs true and absolute proprietaries of the province of Pennsylvania, saving to the crown their allegiance and the sovereignty. It gave him, his heirs, and their deputies, power to make laws, by advice of the freemen, and to erect courts of justice for the execution of those laws, provided they be not repugnant to the laws of England.*

* The following account of the origin of the name Pennsylvania, given by its founder, in a letter dated January 5, 1681, is curious and interesting. "This day," says Penn, "after many waitings, watchings, solicitings, and disputes, in council, my country was confirmed to me under the great seal of England, with large powers and privileges, by the name of Pennsylvania—a name the king would give it in honour of my father. I chose New Wales, being a hilly country; and when the secretary, a Welshman, refused to call it New Wales, I proposed Sylvania, and they added Penn to it; though I much opposed it, and went to the king to have it

The charter being thus obtained, Penn invited purchasers by public advertisement. Many single persons, and some families, chiefly of the denomination of quakers, were induced to think of a removal; and a number of merchants and others, forming themselves into a company, purchased twenty thousand acres of this land, which was sold at the rate of twenty pounds for every thousand acres. In May he despatched Markham, a relative, with a few associates, to take possession of the newly granted territory; and in the autumn three ships, with a considerable number of emigrants, sailed for the same destination. The philanthropic proprietor sent a letter to the Indians, informing them that "the great God had been pleased to make him concerned in their part of the world, and that the king of the country where he lived had given him a great province therein; but that he did not desire to enjoy it without their consent; that he was a man of peace, and that the people whom he sent were of the same disposition; and if any difference should happen between them, it might be adjusted by an equal number of men chosen on both sides." The position selected by these emigrants for their abode, was immediately above the confluence of the Schuylkill and the Delaware.

In the following April, Penn published "the frame of government for Pennsylvania." The chief intention of this famous charter was declared to be, "for the support of power in reverence with the people, and to secure the people from the abuse of power. For, liberty without obedience is confusion, and obedience without liberty is slavery." In prosecution of these salutary objects, the chief aim of the proprietary was to establish the supreme power, legislative and executive, upon proper principles. The assembly, therefore, was directed to consist at first of the whole of the freemen, afterwards of two hundred, but never to exceed five. A provincial council was established, consisting of seventy-two members, to be chosen by the freemen; of these counsellors there was to be an annual succession of twenty-four new ones, the same number annually going out; and the governor was to preside, invested with a treble vote. Thus composed, the council was not only invested with the whole executive powers, but, as in the Carolinian con-

struck out. He said 'twas past, and he would take it upon him; nor could twenty guineas move the under-secretary to vary the name; for I feared it should be looked on as a vanity in me, and not as a respect in the king to my father, as it really was. Thou mayest communicate my grant to my friends, and expect shortly my proposals. 'Tis a dear and just thing, and my God, that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first."

stitutions, with the authority of preparing such bills as ought to be presented to the assembly. As a supplement to the frame of government, a body of laws, agreed upon in England by the adventurers, was published in May, which was intended as a great charter;* and Chalmers allows that "it does great honour to their wisdom as statesmen, to their morals as men, to their spirit as colonists."†

Of all the evidences of superior wisdom, none can be more decisive than entertaining ideas of moral truth, or devising plans of practical utility, which, though rejected in the times in which the individual lives, receive the sanction of future ages. This is eminently the case with Bacon and with Locke; and that it is no less so with the founder of Pennsylvania, the almost universal approbation of the principles on which his penal code was formed, fully attests. That system of laws justly claims for him the praise of original excellence and enlightened humanity; its regulations have been productive of lasting benefit to mankind. Only two capital crimes, treason and murder, were recognized by this code; and, in all other cases, the reformation of the offender was esteemed a duty not less imperative than the punishment of the offence. To this end it was enacted, that all prisons should be workhouses, where offenders might be reclaimed, by discipline and instruction, to habits of industry and morality, and political benefit deduced from the performance of Christian duty. The institutions that resulted from this benevolent enterprise, in legislation, have reflected honour on Pennsylvania, and diffused their advantages extensively in America and

Europe. It is deeply to be regretted, however, that no civilized nation has been more slow in its mitigation of the cruel and bloody character of a penal code derived from a barbarous age, than our own.

To prevent all future pretence of claim to the province by the duke of York, or his heirs, Penn obtained of the duke his deed of release for it; and, as an additional territory, he procured of him also his right and interest in that tract of land, which was at first called the territories of Pennsylvania, afterwards "The three lower counties on Delaware."

Having completed these arrangements by the month of August, Penn embarked for America, accompanied by a considerable number of passengers, chiefly of his own religious sentiments. He landed at New Castle on the 24th of October; and the very next day the people were summoned to the court house, where, after possession of the country had been legally given him, he made a speech to the magistrates and the people, acquainting them with the design of his coming, and the nature and end of the government he came to establish; assuring them of liberty of conscience and civil freedom, and recommending them to live in sobriety and peace. He then proceeded to Upland, afterwards called Chester, and there called an assembly on the 4th of December. This assembly passed an act of union, annexing the three lower counties to the province;‡ and an act of settlement, in reference to the frame of government. The Dutch, Swedes, and other foreigners, were then naturalized; and all laws agreed on in England were passed in form. He selected the site, and marked out the plan, of an ex-

* "Among other regulations propounded in it, it was declared, that the character of freemen of the province should belong to all purchasers or renters of a hundred acres of land; to all servants or bondsmen who, at the expiring of their engagements, should cultivate the quota of land (fifty acres) allotted to them by law, and to all artificers and other inhabitants or residents who should pay scot and lot to the government; that no public tax should be levied from the people 'but by a law for that purpose made,' and that whoever should collect or pay taxes not so sanctioned, should be held a public enemy of the province, and a betrayer of its liberties; 'that all prisons shall be workhouses;' that a thief should restore twice the value of his theft, and, in default of other means adequate to such restitution, should work as a bondsman in prison for the benefit of the party injured; that the lands, as well as the personal property, of a debtor, should be responsible for his obligations, except in the case of his having lawful children, for whose use two thirds of the landed estate were appointed to be reserved; that all factors and correspondents in the province wronging their employers, should, in addition to complete restitution, pay a surplus amounting to a third of the sum they had unjustly detained; that all dramatic entertainments, games of hazard, sports of cruelty, and whatever else might contribute to promote ferocity of temper or habits of dissipation and irreligion, should be discouraged and punished; and 'that all children within this province, of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.' This regulation, so congenial to primitive quaker sentiment, and to republican spirit and simpli-

city, was admirably calculated not less to promote fellow feeling than to secure independence. It contributed to preserve a sense of the natural equality of mankind, by recalling to every man's remembrance his original destination to labor; and while it tended thus to abate the pride and insolence of wealth, it operated no less beneficially to remedy the decay of fortune, peculiarly incident to wealthy settlers in a country where the dearness of all kinds of labour rendered idleness a much more expensive condition than in Europe. It was further declared, that no persons should be permitted to hold any office, or to exercise the functions of freemen, but 'such as profess faith in Jesus Christ, and are not convicted of ill fame, or unsober and dishonest conversation;' and that all persons acknowledging the one almighty and eternal God to be the creator, upholder, and ruler of the world, and professing to be conscientiously engaged to live peaceably and justly in society, should be wholly exempted from molestation for their more particular opinions and practices, and should never at any time be compelled to frequent or maintain any religious place, ministry, or worship whatever."—Grahame, vol. ii. p. 402—404.

† Political Annals, p. 642.

‡ Until this union with Pennsylvania, these counties, from the year 1667, had been holden as an appendage to the government of New York. *Encyclop. Brit.* vol. v. p. 719. The want of the royal authority for this act, with the operation of other causes, produced difficulties, which afterwards rendered this union void; and the three lower counties had a separate assembly, though under the same governor. *Belknap, Biog.* vol. ii. p. 412. *Franklin*, p. 16.

tensive city, to which he gave the name of Philadelphia, or the city of love. Before the end of the year it contained eighty dwellings.

The colonies in general merit little praise for their wisdom and discretion in their conduct with the Indians. They were too prone to look on the wild man as an inferior being, and set themselves up as lords over his rights and property, without remembering that they were intruders on his soil, or condescending to meet him, even in the land of his fathers, on equal and amicable terms. But the memorable interview of Penn with the Indians, on the banks of the Delaware, exhibited a different scene;* the even scales of justice, and the mild persuasion of Christian love, were the powerful engines with which he swayed the barbarian mind, and taught the savage to confide in the sincerity of the white man; and the first page in the annals of Pennsylvania is one of the brightest in the history of mankind, recording an event not more to the credit of the wise and benevolent legislator through whose agency it happened, than honourable to humanity itself. At a spot which is now the site of one of the suburbs of Philadelphia, the Indian sachems, at the head of their assembled warriors, awaited in arms the approach of the quaker deputation. Penn, distinguished from his followers only by a sash of blue silk, and holding in his hand a roll of parchment that contained the confirmation of the treaty, arrived, at the head of an unarmed train, carrying various articles of merchandise, which, on their approach to the sachems, were spread on the ground. He addressed the natives through an interpreter, assuring them of his friendly and peaceable intentions; and certainly the absence of all warlike weapons was a better attestation of his sincerity than a thousand oaths. The conditions of the proposed purchase were then read; and he delivered to the sachems not only the stipulated price, but a handsome present of the merchandise which he had spread before them. He concluded by presenting the parchment to the sachems, and requesting that they would carefully preserve it for three generations. The Indians cordially acceded to his propositions, and solemnly pledged themselves to live in

love with William Penn and his children as long as the sun and moon should endure.†

The prudence with which Penn conducted himself was strictly consistent with a sincere attachment to his own opinions. He evidently appreciated more correctly the rights of his fellow-men than his northern neighbours, the puritan colonists. He believed, and acted on the belief, that the Indians had as much right to hold the peculiarities of their creed, as he had to hold his own religious tenets; and he never gave them unnecessary offence by treating their sentiments with bitterness, or, what is more keenly felt, by contempt.‡ This prudent conduct, together with a still more extraordinary reliance upon the protection of Providence in refusing to maintain any armed force, although surrounded with the warlike aborigines, was attended by a no less singular exemption from evils arising to every other European colony without exception, from the neighbourhood of the Indian tribes. Whatever animosity the Indians might conceive against the European neighbours of the Pennsylvanians, or even against Pennsylvanian colonists who did not belong to the quaker society, they never failed to discriminate the followers of Penn, as persons whom it was impossible for them to include within the pale of legitimate hostility. This unique and interesting fact has, doubtless, availed more than all arguments in support of the alleged immorality of all kinds of resistance which can result in the deprivation of human life.

Irrespective of the peculiar talents and character of the founder, none of the colonies commenced under such favorable auspices as that of Pennsylvania. The experience of half a century had disclosed the evils to be avoided, and pointed out the course to be pursued. The soil being fertile, the climate temperate, and the game abundant, the first emigrants escaped most of the calamities which afflicted the more northern and southern provinces, and the increase of population exceeded all former example.

A second assembly was held at Philadelphia, in March, 1683. During this session, Penn created a second frame of government, to which he readily

* Tradition tells us, that the treaty of 1682 was held at Shackamaxon, under the wide-spread branches of the great elm-tree which grew near the margin of the Delaware, and which was prostrated during a storm in the year 1810. The trunk measured twenty-four feet in circumference, and its age was ascertained to be two hundred and eighty-three years, having been a hundred and fifty-five years old at the time of the treaty. This tree Mr. West has introduced into his celebrated picture representing the treaty. The first deed of the Indians is dated June 23, 1683.—*Memoirs of Pennsylvania Historical Society*, vol. i. pp. 65, 82, 96, 97.

† Penn's letter, containing an account of the climate, products,

and native inhabitants of the country, though too long to insert in this work, will well repay the perusal of the curious. It is to be found in Proud's *History of Pennsylvania*, vol. ii. ch. v.

‡ "The following adventure, indicative of his extreme caution of giving offence, was communicated by Penn himself to Oldmixon. He was visiting an Indian sachem, and had retired for the night, when a young woman, the sachem's daughter, approaching his bed, lay down beside him. Penn was much shocked; but, unwilling to offend by rejecting an intended compliment, he lay still without taking any notice of her, till she thought proper to return to her own couch. Vol. i. p. 398, second edition. A New England pa-

procured the assent of the assembly. This frame diminished the number of the council and assembly, and was in other respects different from the first. It was ordained, "that to prevent lawsuits, three arbitrators, to be called peace-makers, should be chosen by the county courts, to hear and determine small differences between man and man; that children should be taught some useful trade, to the end that none might be idle, that the poor might work to live, and the rich if they should become poor; that factors wronging their employers should make satisfaction, and one third over; that every thing which excites the people to rudeness, cruelty, and irreligion, should be discouraged, and severely punished; * that no one, acknowledging one God, and living peaceably in society, should be molested for his opinions or his practice, or compelled to frequent or maintain any ministry whatever." This assembly also established various salutary regulations. Abrogating the common law with regard to the descent of land, which had been introduced by the charter, it enacted, "that the estate of the intestate shall be disposed of, one third of the personal property absolutely, and one third of the lands during life, to the widow, two thirds of both among the children, the eldest son having a double share." However consonant it might have been to feudal principles to give the lands of the feudary undiminished to him who was first able to defend them, this policy was extremely unsuitable to colonists who had a wilderness to cultivate; evidently, by giving property to every one, the exertions of all were invigorated. By the promulgation of such laws, the growing prosperity of the province was promoted; and to their salutary influence must be attributed the qualities of diligence, order, and economy, for which the Pennsylvanians are so justly celebrated. Within four years from the date of the grant to Penn, the province contained twenty settlements, and Philadelphia two thousand inhabitants.

Having received information from his agent that his presence was necessary in England, Penn departed from America in August, 1684, leaving his province in profound peace, under the administration of five commissioners chosen from the provincial council. The unfortunate James II. ascended the throne soon after Penn's arrival. "As he has," said Penn, "been my friend, and my father's friend, I feel bound in justice to be a friend to him." He adhered to him

while seated on the throne; and for two years after he was expelled from his kingdom, the government of the province was administered in his name. By this display of attachment to the exiled monarch, he incurred the displeasure of William III. On vague suspicion and unfounded charges, he was four times imprisoned. The king took the government of Pennsylvania into his own hands; and Colonel Fletcher was appointed governor of this province, as well as of New York. On the arrival of Colonel Fletcher at Philadelphia, the persons in the administration appear to have surrendered the government to him, without any notice or order to them, either from the crown or the proprietary. By the severest scrutiny, however, it was rendered apparent, that Penn had not suffered personal gratitude to lead him to any serious dereliction of duty, and he consequently regained the good opinion of King William; and being permitted to resume and exercise his rights, he appointed William Markham to be his deputy-governor.

In the year 1696, the assembly having presented a remonstrance to Governor Markham, complaining of the breach of their chartered privileges, a bill of settlement, prepared and passed by the assembly, was approved by the governor, forming the third frame of government in Pennsylvania. A bill for raising 300*l.*, professedly for the relief of the distressed Indians beyond Albany, but really in compliance with the demand of the governor of New York, to aid in the prosecution of the war, was passed by the same legislature.†

During several years the colony continued in a course of prosperity, without any occurrence requiring historical record. In the year 1699, Penn revisited his Pennsylvanian associates, accompanied by his family, with an intention of spending the remainder of his life amongst them. Several circumstances now existed, which occasioned differences of opinion between himself and the legislature; more particularly that prolific source of evil—negro slavery, and the frauds and abuses that disgraced the character of the colonists in their traffic with the Indians. With the view of providing a remedy for both these evils, he presented to the assembly three bills which he had himself prepared; the first, for regulating the morals and marriages of the negroes; the second, for regulating the trials and punishments of the negroes; and the third, for preventing abuses and frauds upon the

triarch, in such circumstances, would probably have excited the enmity of the whole Indian tribe by his expressions of disgust and reprobation."—Grahame, vol. ii. p. 415.

* Some of these clauses, it will be perceived, were only re-enactments of the resolutions of the first assembly.

† Dr. Franklin mentions an instance some years after, of a re-

quisition addressed to the assembly of Pennsylvania for a grant of 2000*l.* for the purchase of gunpowder; to which the assembly replied, that, consistently with quaker principles, they could not grant a farthing for such a purpose, but had voted 2000*l.* for the purchase of grain.

Indians. The assembly instantly negatived the first and last of these bills, acceding only to that which related to the trial and punishment of their slaves. Though disappointed of the more extensive influence, which, as a political legislator, he had hoped to exercise, he was yet able, in his ecclesiastical ministry among the quakers, to introduce into their discipline regulations and practices relative to the purposes of the rejected bills, the spirit of which, at least, was, by the example of this powerful sect, forcibly recommended to general imitation. But the progress of reform, by moral causes, is slow; the enactment of laws must follow up and sustain whatever is gained by persuasion. The memory is assisted by the written page, while we soon forget the voice of entreaty, however strong the argument.

Penn had now determined again to leave America and return to England, and he naturally desired to have some frame of government finally established before his departure. In 1701, he prepared and presented one to the assembly, which was accepted. It confirmed to them, in conformity with that of 1696, the right of originating bills, which, by the charters preceding that date, had been the right of the governor alone, and of mending or rejecting those which might be laid before them. To the governor it gave the right of rejecting bills passed by the assembly, of appointing his own council, and of exercising the whole executive power.

Immediately after his fourth frame was accepted, Penn returned to England; but he had scarcely arrived there, when the disputes between the province and the territories broke forth with greater bitterness than ever; and in the following year, the separate legislature of Delaware was permanently established at Newcastle. In addition to the tidings of these prolonged disagreements, and of the final rupture between the two settlements, Penn was harassed by complaints against the administration of Governor Evans; and having ascertained, by a deliberate examination of them, that they were too well founded, he appointed in his place Charles Gookin, a gentleman of ancient Irish family, who seemed qualified to give satisfaction to the people over whom he was sent to preside. Finding his people still in a discontented state, Penn, now in his sixty-sixth year, for the last time addressed the assembly, in a letter replete with calm solemnity and dignified concern. This letter is said to have produced a deep and powerful impression on the more considerate part of the assembly, who now began to feel for the father of his country, and to regard with tenderness his venerable age; to remember his long labours and to ap-

preciate their own interest in his distinguished fame: but it is very doubtful if this change of sentiment was ever known to its illustrious object, who was attacked shortly afterwards by a succession of apoplectic fits, which impeded, in a great degree, the exercise of his memory and understanding, and ultimately terminated his life.

It would be injustice to suffer the great founder of the Pennsylvanian republic to pass from our view without glancing at the excellencies of his character. The keenness of foresight, the sagacity and penetration of judgment, the fertility in inventing, and clearness of discernment in applying resources, which the events of his life display, are no less remarkable than the pure spirit of universal benevolence, which seems to have been the governing principle of all his actions, as it was the leading tenet in his particular views of religion. By steadily adhering to the maxims of gospel charity in the establishment of his commonwealth, he secured it against many of those violent shocks, which at that time threatened the dissolution of some of the elder and more robust colonies, especially from the hostility of the savages, over whom, by pacific measures, kind treatment, probity, and equitable dealing, he gained an ascendancy far more complete than any exhibition of military force could have acquired. It is not strictly true, indeed, as asserted by some writers, that he was the first of the colonists to treat with the savages on an equal footing, and to obtain their lands by honourable purchase; for numerous instances occur in the history of other colonies, where the same respect was shown to the primeval lords of the soil: but although William Penn did not first set the example of this moderation, he and his followers alone persevered in the practice of it, and thus preserved the good will of their savage neighbours, while, in other parts of the country, a different course of conduct on the part of the colonists subjected them to a series of wasteful and vindictive wars, which ended only with the extermination of some of the most powerful among the aboriginal tribes. The same enlightened spirit of benevolence, which led Penn to consult his true interest in adopting peaceful means of avoiding the enmity of the savages, dictated the memorable clause in the code drawn up by him for the use of his colony, that "all persons living in the province, who confess and acknowledge the one almighty and eternal God to be the creator, upholder, and ruler of the world, and hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no wise be molested for their religious persuasion or practice in matters of faith and worship." The constant assertion of this

golden rule of civil society, and that too by one whose life and fortune were devoted to the task of gaining proselytes for that peculiar sect of which he was so illustrious a member, evinces a liberality of feeling rarely equalled in that or any other age.

The legislatures and governors continuing to act on the noble principles and example which their founder left for their imitation, the colony acquired, by well-conducted purchases from the Indians, a most extensive and unembarrassed territory, and proceeded rapidly in its prosperous course. The only circumstance which appears to have created any internal disunion worthy of notice, was a dispute between the governors and the assembly, on the question of exempting the land of the proprietaries from the general taxation—a claim which the inhabitants deemed very inequitable. In January, 1757, the assembly of Pennsylvania voted a bill for granting to his majesty the sum of 100,000*l.* by a tax on all the estates, real and personal, and taxables, within the province. On submitting it to Governor Denny for his sanction, he refused it. “The proprietaries,” he observed in his message, “are willing their estates should be taxed in the manner that appears to them to be reasonable, and agreeable to the land-tax acts of parliament in our mother country.” He stated, that “his majesty’s service, and the defence of this province, render it necessary to raise immediate supplies;” and earnestly recommended it to the assembly to frame such a bill as it was in his power to pass, “consistent with his honour, and his engagements to the proprietaries.” The message was regarded as an invasion of the rights of the colonists; and the assembly remonstrated with the governor. In that spirited document they say, “We have, in the due exercise of our just rights by the royal and provincial charters, and the laws of this province, and as an English representative body, framed this bill consistent with those rights.” Having assigned their reasons to sustain the remonstrance, they conclude it in these words: “We do therefore, in the name of our most gracious sovereign, and in behalf of the distressed people we represent, unanimously demand it of the governor as our right, that he give his assent to the bill we now present him, for granting to his majesty 100,000*l.* for the defence of this province, (and as it is a money-bill, without alteration or amendment, any instructions whatsoever from the proprietaries notwithstanding,) as he will answer to the crown for all the consequences of his refusal at his peril.” This declaration produced no other effect upon the governor, than that of confirming his refusal, and of drawing from him a laboured justification, “grounded upon parliamentary usage

in England, and the supposed hardship of taxing the unimproved lands of the proprietaries.” The governors of Pennsylvania thus adhering to their instructions, not to assent to any tax bill that did not exempt the estates of the proprietaries, the assembly of that province deputed the celebrated Benjamin Franklin as an agent to London, to petition the king for redress. The subject was discussed before the privy council; and Mr. Franklin acceded to a proposal to enter into engagements that the assessments should be fair and equitable, a bill for levying a general tax, which had previously received the governor’s assent, though after the agent’s departure from the province, was stamped with the royal approbation. These disputes, by calling the energetic mind of Benjamin Franklin into a new field of exertion, enlarged the sphere of his observation, and fitted him for those extraordinary services in which he acquired his greatest glory by contributing to that of his country.

CHAPTER X.

MARYLAND.

THE founder of the state of Maryland was Cecil, Lord Baltimore. His father had been secretary of state to James I., and one of the original associates of the Virginia Company. He visited that colony in the year 1622, to ascertain if some portion of its rich territory could not be rendered subservient to the interests of his family, and at the same time afford a desirable retreat for persecuted professors of the Romish faith, to which he had become a convert. He subsequently prevailed on Charles I. to bestow on him the desired grant, and had made considerable preparations for carrying his design into effect, when death put an end to his projects, which were, however, adopted, and zealously prosecuted by his son. On his behalf, the king, in June, 1632, executed the charter which his father had solicited; and conferred on the new colony the title of Maryland, as a tribute of respect to Henrietta Maria, his queen. The new province was declared to be separated from Virginia, to which its territory had belonged, and subject only to the crown of England. Lord Baltimore was created the absolute proprietary of it, and was empowered, with the assent of the freemen, or their delegates, whom he was required to assemble for that purpose, to make laws for the province, and to administer them. The territory was erected into a palatinate; and the proprietary was invested with all the royal rights of the palace, as fully as any Bishop of Durham had ever

enjoyed ; he was authorized to appoint officers, to repel invasions, and to suppress rebellions ; what is still more remarkable, the charter contained no obligation on the proprietary to transmit the acts of assembly for confirmation or disallowance by the king ; and it also possessed the peculiarity of being the first example of the dismemberment of a colony, and the creation of a new one within its limits, by the mere act of the crown.

Having obtained so favourable a charter, Lord Baltimore proceeded to carry its provisions into execution. He appointed his brother, Leonard Calvert, governor of the new province, and concurred with him in the equipment of vessels, which conveyed a numerous body of emigrants, chiefly Roman Catholics, and many of them gentlemen of rank and fortune. After a circuitous voyage, the governor arrived, accompanied by his brother George, at Point Comfort, in Virginia, in February, 1634. Early in March, he proceeded up the bay of Chesapeake to the northward, and entered the Potomack, up which he sailed twelve leagues, and came to an anchor under an island, which he named St. Clement. Here he erected a cross, and took possession "in the name of the Saviour of the world, and of the king of England." Thence he went fifteen leagues higher to the Indian town of Potomack on the Virginia side of the river, now called New Marlborough, where he was received in a friendly manner. Arriving at the town of Piscatawa, on the Maryland side, he found Henry Fleet, an Englishman, who had resided several years among the natives, and was held by them in great esteem, who was very serviceable as an interpreter. An interview having been procured with the werowance, or prince, Calvert asked him, whether he was willing that a settlement should be made in his country ; he replied, "I will not bid you go, neither will I bid you stay ; but you may use your own discretion." Having convinced the natives that his designs were honourable and pacific, the governor now sought a suitable station for commencing his colony. He visited a creek on the northern side of the Potomack, on which he found an Indian village. Here he acquainted the prince of the place with his intentions, and by presents to him and his principal men, conciliated his friendship so much as to obtain permission to reside in one part of the town until next harvest, when it was agreed that the natives should entirely quit the place. Both parties entered into a contract to live together in a friendly manner. After Calvert had given a satisfactory consideration, the Indians readily yielded a number of their houses, and retired to the others. Thus, on the 27th of March, 1634, the governor took

peaceable possession of the country of Maryland, and gave to the town the name of St. Mary, and to the creek, on which it was situate, the name of St. George. The desire of rendering justice to the natives by giving them a reasonable compensation for their lands, is a trait in the character of the first planters, which will always do honour to their memory.

Circumstances favoured the rapid population of the colony. The charter granted more ample privileges than had ever been conceded to a subject ; the country was inviting ; the natives were friendly ; from the south churchmen drove puritans, from the north puritans drove churchmen, into her borders, where all were freely received, protected, and cherished. The colony was soon able to export Indian corn and other products to New England and Newfoundland, for which they received in return dried fish and other provisions. The Indians also killed many deer and turkies, which they sold to the English for knives, beads, and other small articles of traffic, while cattle, swine, and poultry, were procured from Virginia.

During the first years of the colony, when the freemen were few in number, each attended the general assembly in person, or authorized some other freeman to vote in his stead. The increase of population, however, soon rendered it necessary to adopt a different mode of legislation ; and in 1639 an act was passed, constituting a house of assembly, to be composed of such as should be chosen by the people, of such as should be summoned or appointed by the proprietor, and of the governor and secretary. These were to meet together, and the laws which they should frame were to possess the same validity as though the proprietors and all the people had concurred in enacting them. The colony was not entirely free from internal troubles. In the year 1631, Charles I. had granted a license to one William Cleyborne, who was described as one of the council, and secretary of state of Virginia, "to traffic in those parts of America for which there is already no patent granted for sole trade." Cleyborne and his associates, with the spirit of exclusion so common in those days, attempted to monopolize the trade of the Chesapeake ; and with this intent, they appear to have planted a small colony on the isle of Kent, which commands both the shores of Chesapeake Bay, where it washes Annapolis, the present capital of Maryland. The Virginians boasted that the colonists of Kent sent burgesses to their assembly, and were subjected to their jurisdiction before Maryland had a name, and the province found abundant cause to regret, that a people had taken up their abode within its limits, who paid unwilling obedience to its laws. Cleyborne continued

to claim Kent Island, and to refuse submission to the jurisdiction of Maryland. Lord Baltimore, however, gave orders, in September, 1634, to seize the refractory trader, if he did not submit to his government; judging wisely, that subordination would cease, should an independent jurisdiction be established in the centre of his province. Still continuing to resist, and to excite rebellion in others, he was at length indicted, and found guilty of murder, piracy, and sedition; but he fled from justice, and his estate was seized, as forfeited to those laws which he had formerly contemned as invalid. The afflictions of this period are indicated by a statute of the assembly, which recites, "that the province had been wasted by a miserable dissension and unhappy war, which had been closed by the joyful restitution of a blessed peace." To promote the restoration of tranquillity and mutual confidence, an act of general pardon and oblivion was passed, from the benefits of which only a few leading characters were excepted; and all actions were discharged for wrongs that might have been perpetrated during the revolt. "By a singular reverse of fortune," says Chalmers, "Cleyborne lived to command in the province whence he was now driven with infamy, to feel the pangs of old age when accompanied with poverty, to apply to a prince for support, whose beneficence was not even extended to those who had suffered for his family and himself."*

It is a fact, which reflects the greatest credit on these early colonists, that fifteen years after they first landed, the general assembly of the people passed an act, entitled, "An Act concerning Religion," in which the great principles of religious toleration and liberty are so extensively recognised. The following is an extract from the act itself: "Whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practised; and for the more quiet and peaceable government of this province, and the better to preserve mutual love and unity among the inhabitants, no person or persons whatsoever, within this province, or the islands, ports, harbours, creeks, or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested, or discountenanced, for, or in respect of, his or her religion, nor in the free exercise thereof, within this province, or the islands thereunto belonging, nor any way compelled to the belief or exercise of any religion against his or her consent, so that they be not unfaithful to the lord proprietary, or molest or conspire against the

civil government established, or to be established, in this province, under him or his heirs."† This law was passed by an assembly composed entirely of Roman Catholics, and is the more remarkable, as being the first legislative act which is recorded to have been passed by any government, administered by members of the Romish hierarchy, in favour of the unlimited toleration of all Christian sects.

In 1650, the legislative body was divided into two branches—the delegates chosen by the people constituting the lower house, and the persons summoned by the proprietors, the upper house. An act of recognition of the undoubted right of Lord Baltimore to the proprietaryship of the province was passed in the same session. The assembly not only submitted to his authority, but obliged its constituents and their posterity for ever to defend him and his heirs in his royal rights, and besought him to accept this act as a testimony of gratitude for the manifold benefits which the colony had derived from him. In prosecution of its patriotic labours, the assembly also proceeded to enact laws for the relief of the poor, and the encouragement of agriculture and commerce; and a short season of prosperity preceded the calamities which the province was again to experience from the evil genius of Cleyborne, and the interposition of the parent state.

After the parliament had triumphed over the king, they appointed commissioners for reducing and governing the colonies within the bay of Chesapeake, among whom was Cleyborne. The proprietor of Maryland, on acknowledging the authority of the parliament, was permitted to retain his station, but was unable to preserve tranquillity. The distractions of England, finding their way into the colony, occasioned a civil war, which ended in the discomfiture of the Roman Catholics. The next assembly, which was entirely under the influence of Cleyborne and the victorious party, ordained that persons professing the catholic religion should not be considered within the protection of the laws; the catholics being thus ungratefully persecuted by men whom they had taken to their bosom, and in a colony which they had founded. Laws unfavourable to the quakers were also enacted; and here, as in England, the upper house was voted to be useless. At the restoration, in 1660, Philip Calvert was appointed governor, and the ancient order of things was restored. The recent usurpations were passed over in silence, and buried in a generous oblivion; toleration was re-established, and the inhabitants of Maryland once more experienced the

* Political Annals, p. 211.

† Bacon's Laws, 1649, chap. i.

blessings of a mild government and internal tranquillity.* General subordination had manifestly the effect of quickening the march of prosperity; industry, amply recompensed, was animated and cheerful, and closely connected with independence and improvement of condition was general respect. To such a degree did this arise, that it became common for ruined tradesmen and indigent labourers in England to repair to this colony for retrieving or improving their condition. No emigrants were more successful in bettering their condition than female servants; they invariably obtained an immediate and respectable establishment in marriage.†

In 1676, Cecil, Lord Baltimore, the father of the province, died. For more than forty years he had directed its affairs as proprietor, and displayed in all his conduct a benevolent heart and enlightened understanding. Although he lived in an age of bigotry, he was liberal in his opinions; and for all his exertions to contribute to the happiness of his fellow-beings, he desired no reward but their gratitude. This reward he received. The records of the Maryland assembly contain frequent memorials of the respect and affection of the people. He was succeeded, as proprietor, by his eldest son, Charles, who had for several years been governor of the colony, and displayed the same amiable qualities which had rendered his father respected and beloved. The closing years of the proprietary government were embittered by a circumstance similar to that which the institution of the colony of Maryland had inflicted on Virginia. The grant which had been made by Charles II. to the celebrated Penn included the territory of Delaware, which Lord Baltimore had always considered within the limits of his patent. On the arrival of William Penn in America, a meeting took place between him and Lord Baltimore, in the hope of effecting an amicable adjustment of the boundaries of their respective territorial grants. But the pretensions of the parties were so completely incompatible that it proved impossible at the time to adjust them in a manner satisfactory to both. Penn ultimately complained to the English government, and, by his interest at court, procured it to be adjudged that the debateable territory should be divided into two equal parts, one of which was appropriated to himself, and the other to Lord Baltimore. This adjudication was carried into effect; and the territory which now composes the state of Delaware was thus dismembered from the provincial limits of Maryland.

In the year following the revolution of 1688, the repose of Maryland was again disturbed. A rumour was artfully circulated, that the catholics had leagued with the Indians to destroy all the protestants in the province. An armed association was immediately formed, for the defence of the protestant religion, and for asserting the rights of King William and Queen Mary. The magistrates attempted to oppose this association by force; but, meeting with few supporters, they were compelled to abdicate the government. King William directed those who had assumed the supreme authority to exercise it in his name; and for twenty-seven years the crown retained the entire control of the province. In 1716, the proprietor was restored to his rights; and he and his descendants continued to enjoy them until the commencement of the revolution. The people then assumed the government, adopted a constitution, and refused to admit the claims of the representatives of Lord Baltimore either to jurisdiction or to property.

CHAPTER XI.

NORTH AND SOUTH CAROLINA.

THE interesting though calamitous attempts of the French protestants, under the brave Admiral Coligny, to colonize that part of North America which constitutes the subject of the present chapter, but which was then known under the general denomination of Florida, have already been related. Those which were made in the reign of Elizabeth by Raleigh and Gilbert, have been comprised in the history of Virginia, of which colony the territory which now constitutes the Carolinas then formed a part. It was not till the year 1630, that Sir Robert Heath, attorney-general of Charles I., obtained a grant of a territory stretching to the southward of Virginia from the 36th degree of north latitude, comprehending Louisiana, by the name of Carolina. He appears to have made no settlement, and, subsequently, his patent was declared void, the conditions on which it had been granted not having been fulfilled. Between the years 1640 and 1650, persons suffering from religious intolerance in Virginia fled beyond her limits, and, without authority from any quarter, occupied that portion of North Carolina north of Albemarle Sound. They found the winters mild, and the soil fertile; and as their cattle and swine procured their own support in the woods, and multiplied rapidly, with little labour they lived in the enjoyment of comparative abundance. Their number annually augmented: but they acknowledged

* Chalmers, pp. 224—226, 248.

† Alsop's Maryland, pp. 15, 16. Grahame's History of the United States, vol. ii. p. 34.

no superior upon earth, and obeyed no laws but those of God and nature. Several families from Massachusetts also migrated to Carolina, and settled about Cape Fear; but as the lands where they fixed themselves were not equally productive with those they had relinquished, and as the waters did not afford the same advantages of fishery, they for some years experienced the complicated miseries of want; and the general court of Massachusetts, with an attention and humanity which do it honour, directed a general contribution for their relief.*

The final settlement of this country originated with the earl of Clarendon, and other courtiers of Charles II. On their application for a charter, he granted them all the lands lying between the 31st and 36th degrees of north latitude; and he constituted them absolute lords and proprietors of that tract of country, reserving to himself and his successors the sovereign dominion. The charter empowered them to enact and publish any laws which they should judge necessary, with the assent, advice, and approbation of the freemen of the colony; to erect courts of judicature, and appoint civil judges, magistrates, and officers; to erect forts, castles, cities, and towns; to make war, and, in cases of necessity, to exercise martial law; to build harbours, make ports, and enjoy customs and subsidies, imposed with the consent of the freemen, on goods loaded and unloaded. One of the provisions of this charter deserves particular notice. The king authorized the proprietors to allow the inhabitants of the province such indulgences and dispensations in religious affairs, as they, in their discretion, should think proper and reasonable: and no person, to whom such liberty should be granted, was to be molested, punished, or called in question, for any differences in speculative opinions with respect to religion, provided he disturbed not the civil order and peace of the community. The reason assigned in the charter for such a dispensing power is, "that it might happen that several of the inhabitants could not, in their private opinions, conform to the exercise of religion according to the liturgy and ceremonies of the church of England."† The privy council, considering the present condition of Carolina, decided that all former grants were now void, because they had never been executed.

Animated by this decision, the proprietors held their

first meeting in May, 1663, to agree on measures for the transporting of colonists, and for the payment of various expenses; and they now published proposals to all who would plant in Carolina. Among other privileges, it was decided, that the emigrants present to the proprietaries thirteen persons, in order that they may appoint a governor and a council of six for three years; that an assembly, composed of the governor, the council, and the delegates of the freemen, should be called as soon as the circumstances of the colony would allow, with power to make laws, provided they were not contrary to the laws of England, nor of any validity after the publication of the dissent of the proprietaries; that every one should enjoy the most perfect freedom in religion; that, during five years, every freeman should be allowed one hundred acres of land, and fifty for every servant, paying one halfpenny only an acre; and that the same freedom from customs which had been allowed by the royal charter, should be allowed to every one. The settlers on Albemarle Sound were, on certain conditions, allowed to retain their lands. A government was organized over them, at the head of which a Mr. Drummond was placed. With the regulations imposed they were dissatisfied, and they revolted; but their grievances were redressed, and, in 1668, they returned to their allegiance. Notwithstanding the high professions of the proprietaries, not the slightest attempt was made to provide for the spiritual instruction of the colonists, or the conversion of the Indians; and the colony continued for a series of years without any form of public worship.

Having taken the command of the infant settlement at Albemarle, the proprietaries directed a survey of the coast to the southward, and projected the establishment of a new colony in Clarendon country, which had been recently abandoned by the emigrants from New England. In furtherance of this object, they conferred on John Yeamans, a respectable planter of Barbadoes, the appointment of commander-in-chief of Clarendon country. In the autumn, he conducted from Barbadoes a body of emigrants, who landed on the southern bank of Cape Fear. He cultivated the good will of the natives, and insured a seven years peace. The planters, in opening the forest to make room for the operations of tillage, "necessarily prepared timber for the uses of the cooper and builder,

* Chalmers, p. 516.

† Mem. de l'Amerique, vol. iv. p. 554—585, where is a copy of the charter, in English and French, dated March 24th, 1662—April 1th, 1663. The charter states, that the applicants, "excited by a laudable and pious zeal for the propagation of the gospel, beg a certain country in the parts of America not yet cultivated and planted, and only inhabited by some barbarous people, who have no

knowledge of God." The applicants, besides the earl of Clarendon, were George duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley, and Sir John Colleton. The grant included the territories of what afterwards constituted North Carolina, South Carolina, and Georgia.

which they transmitted to the island whence they had emigrated, as the first subject of a feeble commerce, that kindled the spark of industry which soon gave animation to the whole.* Another settlement was also projected to the southward of Cape Remain, which received the name of Carteret, and was placed under a separate governor. "The policy which the proprietaries were thus pursuing, in the establishment of a variety of separate and independent colonies in Carolina, each of which had its own distinct assembly, customs, and laws, supplied them at a future period with ample cause of regret, and contributed to the prolonged feebleness and distractions by which this province was unhappily distinguished."†

By the surveys which had been made under their direction, the proprietors had now ascertained, that several tracts of land not included in the terms of their previous grant, would form a very desirable accession; they therefore solicited, and obtained from the king, a second charter. It recited and confirmed the former grant, with the additional territory. Carolina was declared independent of any other province, but subject immediately to the crown of England; and the inhabitants were never to be compelled to answer in other dominions of the crown, excepting within the realm. The limits of the territory are thus defined: "All that province, territory, or tract of ground, situate within our dominions of America, extending north and eastward as far as the north end of Carahtuke River, or gullet, upon a straight westerly line, to Wyanoake Creek, which lies within or about the degrees of 36 and 30 minutes northern latitude, and so west, in a direct line as far as the South Seas; and south and westward as far as the degrees of 29 inclusive northern latitude, and so west, in a direct line, as far as the South Seas, together with all and singular ports, harbours, bays, rivers, and islets, belonging to the province or territory aforesaid."‡ According to the limits fixed in this charter, St. Augustine, as well as the whole of what was afterwards Georgia, fell within the English dominions; but the Spaniards alleged, that this grant was an invasion of their rights, and never admitted the limits of this charter at any subsequent treaty.

Both the charters of Carolina were granted while Clarendon retained the chancellorship of Great Britain; and it is somewhat curious to observe this zealous advocate for the prerogatives of the crown making no hesitation to place the great seal to

charters which transferred the very highest of them almost absolutely to himself and his associates. Not less instructive is it to contemplate this renowned champion and his colleagues recommending a line of ecclesiastical policy in their own colony diametrically opposite to that which, as the "confidential advisers" of his majesty, they adopted and promoted in the parent state. If bigotry must exist, it is more to be respected, though it be more injurious, when it does not bend to feelings of self-interest.

Agreeably to the powers with which the proprietors were invested by their charter, they began to frame a system of laws for the government of their colony; in which arduous task they availed themselves of the assistance of the illustrious John Locke. A model of government, consisting of no less than a hundred and twenty articles, was framed by this learned philosopher, which they agreed to establish, and to the careful observance of it, to bind themselves and their heirs for ever. As this constitution allies a name so justly celebrated with the history of Carolina, and is in itself a singular and ingenious piece of legislation, a brief abstract of it is both interesting and important. "The eldest of the eight proprietors was always to be palatine, and at his decease was to be succeeded by the eldest of the seven survivors. This palatine was to sit as president of the palatine's court, of which he and three more of the proprietors made a quorum, and had the management and execution of all the powers of their charter. This palatine's court was to stand in room of the king, and give their assent or dissent to all laws made by the legislature of the colony. The palatine was to have power to nominate and appoint the governor, who, after obtaining the royal approbation, became his representative in Carolina. Each of the seven proprietors was to have the privilege of appointing a deputy, to sit as his representative in parliament, and to act agreeably to his instructions. Besides a governor, two other branches, somewhat similar to the old Saxon constitution, were to be established, an upper and lower house of assembly, which three branches were to be called a parliament, and to constitute the legislature of the country. The parliament was to be chosen every two years. No act of the legislature was to have any force unless ratified in open parliament during the same session, and even then to continue no longer in force than the next biennial parliament, unless in the mean time it be ratified by the hands

* Chalmers, b. i. p. 520, 521. Yeamens was directed "to make every thing easy to the people of New England, from which the greatest emigrations are expected, as the southern colonies are already drained."

† Grahame, vol. ii. p. 88.

‡ *Memoires de l'Amerique*, vol. iv. p. 586—617; where this charter, in English and French, is inserted entire. It is dated 13—24 Juin, 1665.

and seals of the palatine and three proprietors. The upper house was to consist of the seven deputies, seven of the oldest landgraves and caziques, and seven chosen by the assembly. As in the other provinces, the lower house was to be composed of the representatives from the different counties and towns. Several officers were also to be appointed, such as an admiral, a secretary, a chief-justice, a surveyor, a treasurer, a marshal, and register; and besides these, each county was to have a sheriff and four justices of the peace. Three classes of nobility were to be established, called barons, caziques, and landgraves; the first to possess twelve, the second twenty-four, and the third forty-eight thousand acres of land, and their possessions were to be unalienable. Military officers were also to be nominated, and all inhabitants from sixteen to sixty years of age, as in the times of feudal government, when summoned by the governor and grand council, were to appear under arms, and, in time of war, to take the field. With respect to religion, three terms of communion were fixed; first, to believe that there is a God; secondly, that he is to be worshipped; and thirdly, that it is lawful, and the duty of every man when called upon by those in authority, to bear witness to the truth: without acknowledging which, no man was to be permitted to be a freeman, or to have any estate or habitation in Carolina. But persecution for observing different modes and ways of worship was expressly forbid, and every man was to be left full liberty of conscience, and might worship God in that manner which he in his private judgment thought most conformable to the divine will and revealed word. Every freeman of Carolina was declared to possess absolute power and authority over his negro slaves, of what opinion or religion soever.*

It must be admitted, that Locke manifests his usual intellectual ability and energy in this composition; but his system proved in effect useless and impracticable.† Several attempts were afterwards made to amend these constitutions, but all to little purpose; the inhabitants, sensible how little they were applica-

ble to their circumstances, never, either themselves or by their representatives in assembly, gave their assent to them as a whole, and therefore they failed to obtain the force of fundamental laws in the colony. What regulations the people found applicable and useful they adopted, at the request of their governors; but they observed them on account of their own propriety and necessity, rather than as a code imposed on them by British politicians.

It is obvious that the Carolinian constitution was an experiment in political science, an attempt to plant an aristocratic scion in the American soil. That such an attempt should have been made by men accustomed to set a high value on distinctions of rank, is not surprising; but it is still less surprising, that, under the circumstances of the case, it should have been utterly abortive. This result may be ascribed in part to the civil, rather than the military character of the North American settlements; in part to the degree of knowledge and civilization possessed by the colonists at the *commencement* of their social institutions; in part to the actual equality to which the condition of the transatlantic wilderness reduced the whole body of its occupants; and in part to the substantial independence acquired by the successful cultivators of the soil, who were, almost from the first, in a situation to deride, as they afterwards found themselves able effectually to resist, the pretensions of distant lords.

Notwithstanding these constitutions and legal preparations, several years elapsed before the proprietors of Carolina made any serious efforts towards its settlement. In 1667, they fitted out a ship, gave the command of it to Captain William Sayle, and sent him out to bring them some account of the coast. His report to his employers, as might naturally be expected, was favourable. He praised their possessions, and encouraged them to engage with vigour in the execution of their project. His observations respecting the Bahama islands, which he had visited, induced them to apply to the king for a grant of them, and Charles bestowed on them by patent all those

* The world has, since the days of Mr. Locke, been taught to exclaim with surprise, on reading his constitution for Carolina; but this surprise ceases, when we consider the age in which the philosopher lived. He truly had no precedent before him, to support him in making a republican government, which he is blamed for not making. Virginia then was a royal colony, and of course was not a model; and the settlements on the shores of the Atlantic, in New England, had not then risen to much notoriety in England. The pilgrims, who increased very slowly, had been in the country but forty-seven years, and those who settled the Province of Massachusetts Bay, but thirty-seven, when Locke drew up this form of government; therefore there was nothing to be derived from this country, at that time, to assist him. The ancient models of Greece and Rome were not suited to a people that he knew must necessarily be, for ages, widely scattered over the soil. The example of republican government, as it was call-

ed, under Cromwell, had not much in it to the taste of Mr. Locke, who saw no small degree of tyranny in the garb of freedom. Why do political writers dwell upon the absurdity of palatines, barons, &c. &c., provided for in the constitution from the pen of the profound metaphysician, and make no commentaries on the great and noble feature of this constitution, religious liberty?—a feature which had no prototype in the history of nations; a principle without which there can be no freedom. It is but a trifle to have the privilege of choosing men as rulers, if we cannot worship God as we please. Mr. Locke had seen the evils of a hierarchy on the one hand, and of a regular body of dissenters on the other. He, therefore, with a depth of philosophy wonderful in his age, or any age that had passed, struck one bold blow to sever church and state, or religious creeds from political employments.—AM. EDITOR.



islands lying between the 22d and 27th degrees of north latitude. Nothing then remained but to make preparations for sending a colony to Carolina. Two ships were procured, on board of which a number of adventurers embarked, with provisions, arms, and utensils requisite for building and cultivation. Sayle was appointed the first governor, and received a commission, bearing date July 26, 1669. The expenses of this first embarkation amounted to 12,000*l.*, a proof that the proprietors entertained no small hopes with respect to their palatinate. The number of men, however, must have been by no means adequate to the undertaking, especially considering the multitude of savages that ranged through that extensive wilderness. In what place Governor Sayle first landed is uncertain; but he was dissatisfied with his first situation, and, moving to the southward, took possession of a neck of land between Ashley and Cooper rivers, where he laid out a town, which, in honour of the king then reigning, he called Charleston; but dying soon after, Sir John Yeamans, who had for several years been governor at Clarendon, was appointed to succeed him. This new settlement attracted many inhabitants from that at Clarendon, and ultimately entirely exhausted it. Being at a great distance from Albemarle, the proprietors established a separate government over it, and hence arose the distinctive appellations of North and South Carolina. The distress which attended the first efforts of the colonists was aggravated by the intrigues and assaults of the Spaniards at Fort Augustine. They sent emissaries among the settlers at Ashley river, in the hope of moving them to revolt; they encouraged indentured servants to abandon their masters, and fly to the Spanish territory; and they laboured so successfully to instil into the savage tribes the most unfavourable notions of British heretics, that these deluded Indians took up arms to extirpate a race who had never injured them, but who desired to cultivate friendly relations with them. So much discontent and insubordination was produced by the calamities the colonies suffered, that it led to an insurrection, headed by Culpepper, one of the provincial officers; but it was easily suppressed by the governor. The Spanish garrison at Augustine receiving intelligence of their dissensions, a party advanced from that fortress under arms, as far as the island of St. Helena, to dislodge or destroy the settlers; but fifty volunteers, under the command of Colonel Godfrey, marching against them, they evacuated the island, and retreated to their fort. During the governorship of Sir John Yeamans, the colony received a considerable addition from the Dutch settlement of Nova Belgia. After its conquest by Sir

Robert Car, many of the Dutch colonists determined to remove. The proprietors of Carolina offered them lands and encouragement in their palatinate, and sent vessels to transport a number of their families to Charleston. Stephen Bull, surveyor-general of the colony, received instructions to mark out lands on the south-west side of Ashley River for their accommodation; and a town was commenced, which was called James Town. The industry of the settlers surmounted incredible hardships, and their success induced many of their countrymen to follow them to the western world, and extend themselves over the adjacent country.

The Carolinian colonists were for several years dependant on the proprietaries in England for considerable supplies of provisions and stores, and were by them liberally assisted to the extent of several thousand pounds; but the proprietaries finding, instead of any indications of repayment with a corresponding profit, only demands for further supplies, became disheartened and disgusted with a result so contrary to their sanguine expectations; and a mutual dissatisfaction commenced, which embittered all their future intercourse, although it afforded instruction to the colonists which was very beneficial, as it led them to depend solely on their own resources. The proprietaries ascribed their disappointment, in a great measure, to the mismanagement of Sir John Yeamans, who, early in this year, was compelled by the state of his health to resign his situation as governor, a relief that was ineffectual for the desired purpose, as he did not long survive. The factions and confusion in which the colony was shortly after involved, have rendered the annals of this period extremely perplexing, and have much obscured the connexion of events. When Yeamans abdicated his office, the council appointed Joseph West as his successor: and on this occasion the palatine thought proper to confirm the popular choice, which was amply justified by the prudence of his administration.

The affairs of the northern colony must now occupy a portion of our attention. The fundamental constitutions, which have already been described, were received by the colonists with disgust and disunion. Their promulgation produced no other effect than to excite the most inveterate jealousy of the designs of the proprietaries; till, in process of time, a refractory spirit took possession of the minds of the people, and was at length exasperated into sentiments as hostile to subordination, as the policy of the proprietaries was repugnant to liberty. From this period the history of the northern province, for a series of years, is involved in such confusion and contra-

diction, that it is impossible to render it interesting, and difficult to make it even intelligible. Miller, a person of some consideration, was accused of sedition ; but being acquitted, he proceeded to England to complain to the proprietaries of the treatment he had undergone. Eastchurch, a man whose address and abilities had raised him to the dignity of speaker of the assembly, was deputed to represent to the proprietaries the existing state of the province. The proprietaries, conceiving a favourable opinion of Eastchurch, appointed him governor of Albemarle ; and disapproving the treatment that Miller had received, gave him the office of secretary. The commissioners of the customs appointed Miller, at the same time, the first collector of these duties in the province. These officers departed to take possession of their respective offices ; but Eastchurch, finding an opportunity of making a wealthy marriage in the West Indies, thought it prudent to remain there till his object was accomplished, and despatched his companion with directions to govern the colony as president till he himself should arrive. He found the colony at Albemarle to consist of a few inconsiderable plantations, dispersed over the north-eastern bank of Albemarle River, and divided into four districts. In attempting to reform some abuses, he rendered himself obnoxious ; and an insurrection broke out at Albemarle in December. The insurgents, conducted chiefly by Culpepper, imprisoned the president and seven proprietary deputies ; seized the royal revenue ; established courts of justice ; appointed officers ; called a parliament ; and, for a considerable period, exercised all the authority of an independent state. After two years of successful revolt, the insurgents, apprehensive of an invasion from Virginia, despatched Culpepper and Holden to England, to offer submission to the proprietaries, on condition of their past proceedings being ratified. The unfortunate Miller and his associate, who had languished in imprisonment, having found means to escape, appeared in England at the same time, and filled the court with accusations against their persecutors. Culpepper was, however, protected by Lord Shaftesbury, and was about to return, when he was impeached, by the commissioners of the customs, of the crimes of acting as collector without their authority, and of embezzling the king's revenue. It was in vain for him to acknowledge the facts and to beg for mercy. His powerful accusers insisted that no favour might be shown him unless he refunded the duties which he had wrongfully seized, and he was tried in the court of king's-bench, on an indictment of high treason committed without the realm. Though five witnesses

fully proved those circumstances which constituted the crime, yet Shaftesbury, who was then in the zenith of his popularity, appearing in his behalf, the jury acquitted him. The acquittal of Culpepper determined the proprietors to adopt an entirely conciliatory system ; and to govern, in future, according to that portion of obedience which the colonists should be disposed to yield them. In prosecution of this determination, the proprietaries resolved to send thither Seth Sothel, who had lately purchased Lord Clarendon's share of the province, that, by his authority, he might reduce the late distractions to order. They were, however, still doomed to disappointment—his conduct, far from restoring quiet and contentment, only increased the previous disorders. He proved one of the most corrupt and rapacious of colonial governors, plundering the innocent, and accepting bribes from felons. Six years the inhabitants endured his injustice and oppression ; they then seized him, with a view of sending him to England for trial : but, at his request, he was detained and tried by the assembly, who banished him from the colony.

To return to the affairs of the southern colony, now under the administration of Joseph West. The situation of Old Charleston being found inconvenient, the inhabitants, in 1680, removed to Oyster Point, where a new city was laid out, to which the name of the other was given. In the same year commenced a war with the Westoes, a powerful tribe of Indians, which threatened great injury to the colony ; peace, however, was soon restored. Governor West was superseded by Sir Richard KIRLE, an Irish gentleman, who died six months after his arrival in the country. After his decease, Colonel Robert QUARRY was chosen his successor. During the time of his government, a number of pirates put into Charleston, and purchased provisions with their Spanish gold and silver. Those public robbers, instead of being taken and tried by the laws of England, were treated with great civility and friendship, in violation of the laws of nations. Whether the governor was ignorant of the treaty made with Spain, by which England had withdrawn her former toleration from these plunderers of the Spanish dominions, or whether he was afraid to bring them to trial from the notorious courage of their companions in the West Indies, we have not sufficient authority to affirm ; but one thing is certain, that Charles II., for several years after the restoration, winked at their depredations, and many of them performed such valiant actions, as, in a good cause, would have justly merited honours and rewards ; he even knighted Henry Morgan, a Welshman, who had

plundered Porto Bello and Panama, and carried off large treasures from them. For several years so formidable was this body of plunderers in the West Indies, that they struck a terror into every quarter of the Spanish dominions. Their gold and silver, which they lavishly spent in the colony, insured to them a kind reception among the Carolinians, who opened their ports to them freely, and furnished them with necessaries. They could purchase the favour of the governor, and the friendship of the people, for what they deemed a trifling consideration. Leaving their gold and silver behind them for clothes, arms, ammunition, and provisions, they embarked in quest of more. However, the proprietors, having intelligence of the encouragement given to pirates by Governor Quarry, dismissed him from the office he held; and, in 1685, Landgrave Joseph Morton was appointed to the government of the colony.

During the reign of King James II. the difficulty under which the people of Britain laboured, and the troubles which they apprehended, added much strength to the colonies. The unsuccessful or unfortunate part of mankind are easily induced to emigrate; while the oppressed and persecuted are driven from their country, however closely their affections may cleave to it. Such manifest attempts were made by this prince against what the nation highly revered, that many protestants deserted it, preferring the hardships of the first state of colonization abroad to oppression at home. America gained considerable and valuable accessions also from the revocation of the edict of Nantz, when the flames of persecution broke out in France, and drove many of its best subjects from that kingdom. Of the advantage which the colonies reaped from this impolitic measure of France, Carolina had a large share. Many of the protestant refugees, having purchased lands from the proprietors, embarked with their families for that colony, and proved some of its best and most industrious inhabitants.

Though Governor Morton was possessed of a considerable share of wisdom, and was connected with several respectable families in the colony, yet so inconsistent were his instructions from England with the prevailing views and interests of the people, that he was unable, without great difficulty, to execute the duties of his trust. Some of his council differed widely from him in opinion with respect to public measures, and claimed greater indulgences for the people than he had authority to grant. Hence two parties arose in the colony; one in support of the prerogative and authority of the proprietors, the other in defence of the liberties of the people. The former

contended that the laws and regulations received from England respecting government ought to be strictly and implicitly observed: the latter kept in view their local circumstances, and maintained that the freemen of the colony were under obligations to observe them only so far as they were consistent with the interest of individuals and the prosperity of the settlement. In this situation of affairs, no governor could long support his power among a number of bold adventurers, who improved every hour for advancing their interest, and could bear no restraints which had the least tendency to defeat their favourite views and designs; whenever he attempted to interpose his feeble authority, they insulted his person and complained of his administration, till, at length, he was removed from office.

Finding it prudent to change their governor when he became obnoxious to the people, the proprietors appointed James Colleton to supersede Morton. To give him the greater weight, he was created a landgrave of the colony, to which dignity forty-eight thousand acres of land were unalienably annexed; but, to his mortification, he soon found, that the proprietary government had acquired but little firmness and stability; and, by his imprudence and rigour, it fell into still greater contempt. Having called an assembly of the representatives in the end of the year 1686, he proposed to make some new regulations respecting the government of the colony. After examining the fundamental constitutions, and finding the people disposed to make many objections to them, he thought proper to nominate a committee, to consider wherein they were improper or defective, and to make such alterations and amendments in them as they judged might be conducive to the welfare of the country. Accordingly, a new code of laws was framed, consisting of many articles differing considerably from the former, which they denominated standing laws, transmitting them to England for the approbation of the proprietors, who, however, rejected them, and insisted on the observance of the fundamental constitutions; while the people treated both with equal indifference and neglect.

At this early period a dissatisfaction with the proprietary government appeared, and began to gain ground among the people. A dispute having arisen between the governor and the house of assembly about the tenures of lands and the payment of quit-rents, Colleton determined to exert his authority, in compelling the people to pay up their arrears of quit-rents, which, though very trifling and inconsiderable, were burdensome, as not one acre out of a thousand of these lands for which quit-rents were

demanding yielded them any profit. The interest of the proprietors and that of the people being thus placed in opposition to each other, the more rigorously the governor exerted his authority, the more turbulent and seditious the people became. At last they proceeded to avowed usurpation; they issued writs in their own name, and held assemblies in opposition to the governor and the authority of the proprietors, and the community was turned into a scene of confusion, every man acting as he thought proper, without any regard to legal authority, and in contempt of the governor and other officers of the proprietors. Colleton, mortified at the loss of power, and alarmed at the bold and seditious spirit of the people, was not a little perplexed what step to take in order to recall them to the obedience of legal authority. One expedient was suggested, which he and his council flattered themselves might be productive of the desired effect—to proclaim martial law, and try to maintain by force of arms the proprietary jurisdiction. Accordingly, without letting the people into his secret design, he caused the militia to be drawn up, as if some danger from the Spaniards or Indians had threatened the country, and publicly proclaimed martial law at their head. This served only to exasperate the people the more. The members of the assembly met, and taking this measure under their deliberation, resolved that it was an encroachment upon their liberties, and an unwarrantable exertion of power, at a time when the colony was in no danger from any foreign enemy. The governor, however, insisted on the articles of war, and tried to carry martial law into execution; but the disaffection was too general to admit of such a remedy. In the year 1690, at a meeting of the representatives, a bill was brought in and passed, for disabling Landgrave James Colleton from holding any office, or exercising any authority, civil or military, within the province; and he was informed, that, in a limited time, he must depart from the colony.

During these public commotions, Seth Sothel, one of the proprietors, having, as already stated, been driven from North Carolina, appeared suddenly at Charleston, and, aided by a powerful faction, assumed the reins of government. At first the people gladly acknowledged his authority, while the current of their enmity ran against Colleton; especially as he stood forth as an active and leading man in opposition to that governor, and ratified the law for his exclusion and banishment; but they afterwards found him void of every principle of honour, and even of honesty. Such was the insatiable avarice of this man, that every restraint of common justice and equity was

trampled upon by him; and oppression, such as usually attends the exaltation of vulgar and ambitious scramblers for power, extended her rod of iron over the distracted colony. The fair traders from Barbadoes and Bermuda were seized as pirates by order of this popular governor, and confined until such fees as he was pleased to exact were paid him; bribes from felons and traitors were accepted to favour their escape from the hands of justice; and plantations were forcibly taken possession of, upon pretences the most frivolous and unjust. At length, the people, weary of his grievous impositions and extortions, agreed to take him by force, and ship him off for England. He then evinced the meanness of spirit generally associated with a disposition to tyranny, and humbly begged liberty to remain in the country, promising to submit his conduct to the trial of the assembly at their first meeting. When the assembly met, thirteen different charges were brought against him, and all supported by the strongest evidence; upon which, being found guilty, they compelled him to abjure the government and country for ever.

The revolution of 1688 excited little attention in either of the Carolinas, which were but slightly affected by the changes which the empire underwent. It was from the proprietaries alone that they could expect the interposition of a superior power to arrest or repair the misrule, oppression, and calamity, that had so long composed the chief part of the history, both of the northern and southern settlements. In the hope of accomplishing this desirable object, the proprietaries, on the deposition of Sothel, intrusted the government of the whole of their settlements to Colonel Philip Ludwell, a man of sense and humanity, who possessed considerable experience of colonial affairs. He commenced his administration in a manner that gave general satisfaction, and seemed to have completely allayed the prevailing ferments of the people. But this tranquillity was of short duration: the minds of men had been too long and too violently agitated to subside at once into a settled composure; and a circumstance that at first promised to produce the happiest effects on the prosperity of the province, proved the immediate occasion of the revival of public turbulence. The proprietors, having observed the good conduct of the French protestants, directed the governor to permit them to elect representatives, a privilege which they had never yet exercised. The English episcopalians, unwilling that any of their hereditary enemies, those, namely, who did not belong to their church, should be associated with themselves in the rights of freemen, were exasperated, and opposed the concession with great clamour and zeal.

Excited by a spirit of opposition, they proposed to enforce with respect to them the laws of England against foreigners, insisting that they could not legally possess any real estate in the colony. They also declared that their marriages, being solemnized by French ministers, were void, and that the children could not inherit the property of their fathers. By the display of a spirit so illiberal and unchristian, these strangers were alarmed and discouraged; but, being countenanced by the governor, they remained in the colony, and, for the present, withdrew their claim to the right of suffrage.

In the midst of these disputes, and with the hope of appeasing them, the proprietaries at length determined to surrender to the general dislike of the people the "fundamental constitutions." They accordingly enacted the following resolution: "That, as the people have declared they would rather be governed by the powers granted by the charter, without regard to the fundamental constitutions, it will be for their quiet, and the protection of the well-disposed, to grant their request." Thus perished the legislative labours of John Locke. Their abolition was unregretted by any party, for they had neither insured obedience to the government, nor afforded happiness to the people.

Ludwell had been superseded in his office by Thomas Smith, an eminent planter, and an upright and popular magistrate. His short administration was signalized by an occurrence that produced lasting and extensive effects on the prosperity of Carolina. A vessel from Madagascar, on her homeward voyage to Britain, happening to touch at Charleston, the captain presented the governor with a bag of seed rice, which he said he had seen growing in eastern countries, where it was deemed excellent food, and yielded a prodigious increase. The governor divided it between several of his friends, who found the result to exceed their most sanguine expectations. From this circumstance Carolina dates the rise of her staple commodity, the chief support of her people, and the main source of her opulence.

Notwithstanding the prudent administration of Smith, the colony still remained in a confused and turbulent state. Complaints from every quarter were made to the governor, who was neither able to quiet the minds of the people nor to afford them the relief they wanted. At length he wrote to the proprietors, and frankly told them, that he despaired of ever uniting the people in interest and affection; that he, and many more, weary of the fluctuating state of public affairs, had resolved to leave the province; and that he was convinced nothing would bring the

settlers to a state of tranquillity and harmony, unless they sent out one of the proprietors with full power to redress grievances, and settle differences prevailing, and likely to prevail more, in their colony. The proprietors, astonished at the discontented spirit of the people, yet, anxious to prevent the settlement from being ruined, resolved to try the remedy Landgrave Smith had suggested; and they accordingly solicited John Archdale, a man of considerable knowledge and discretion, a quaker, and a proprietor, to accept the office. Great trust was reposed in him, and much was expected from his abilities. He succeeded in restoring order, but found the antipathy against the unfortunate French exiles too great to be encountered with any hope of success, until softened by time and their amiable deportment. These produced the effects which he anticipated; and subsequently they were admitted by the general assembly to all the rights of citizens and freemen. It was not the intention of Archdale to remain longer in Carolina than was necessary for the adjustment of the existing controversies; and having effected this object in a degree that had surpassed the expectations of all parties, he returned to England in the close of the year 1696, loaded with the grateful benedictions of a people to whose peace and prosperity he had been so highly instrumental.

To Archdale had been confided the power of nominating his successor; and he conferred the office on Joseph Blake, nephew of the English admiral, a man of virtue, prudence, and moderation, acceptable to the people, and a proprietary of the province, who governed the colony wisely and happily for a period of four years. He appears to have made the most laudable endeavours to promote the religious instruction of the people, and to facilitate the exercise of worship to all denominations of Christian professors. Though himself a dissenter, he caused a bill to be introduced into the assembly for settling a perpetual provision of 150*l.* a year, with a house and other advantages, on the episcopal minister of that city. The person who then occupied this ministerial situation having gained universal regard by his piety and prudence, and the dissenters in the house acquiescing in the measure from regard to this individual, the bill was passed into a law. "Those who think that the dissenters acted amiss," says Grahame, "and stretched their liberality beyond the proper confines of this virtue, in thus promoting the national establishment of a church from which they dissented, will regard the persecution they soon after sustained from the episcopal party as a merited retribution for their practical negation of dissenting principles. Those

who judge more leniently an error (if it be such) which there is little reason to suppose will be ever frequent in the world, will regret and condemn the ungrateful return which the dissenters experienced from a party for whose advantage they had incurred so great a sacrifice.”*

Blake died in the year 1700, and with him ended the interval of tranquillity which had originated with the government of Archdale. Under the rule of his successor, James Moore, the colony was agitated by religious disputes. Lord Granville, one of the proprietors, a bigoted churchman, in conjunction with the governor, resolved to effect, if possible, the establishment of episcopacy. They were well aware that a majority of the people were dissenters, and that by art and intrigue only could their design be accomplished. Moore, who was avaricious and venal, became the tool of Granville. He interfered in the elections, and, by bribing the voters, succeeded in procuring a majority in the assembly who would be subservient to his wishes. A law was passed establishing the episcopal religion, and excluding dissenters from a seat in the assembly. It was laid before the proprietors, without whose sanction it could not possess permanent validity. Archdale, who had returned to England, opposed it with ability and spirit. He insisted that good faith, policy, interest, and even piety, concurred to dictate its rejection. But Lord Granville declared himself in favour of it, and it received confirmation. The dissenters thus saw themselves at once deprived of those privileges for which they had abandoned their native country, and encountered the dangers and hardships of the ocean and a wilderness. Some prepared to leave the colony and settle in Pennsylvania. Others proposed that a remonstrance against the law should first be presented to the house of lords, and this measure was adopted. The lords expressed, by a vote, their disapprobation of the law, and, upon their solicitation, Queen Anne declared it void. Soon after Lord Granville died, and, controlled by more liberal councils, the colony again enjoyed the blessings of domestic tranquillity.

In 1702, a rupture having taken place in Europe between England and Spain, the attention of the colony was directed to a different object, which afforded Governor Moore an opportunity of exercising his military talents, and a prospect of enriching himself by Spanish plunder or Indian captives. He proposed to the assembly an expedition against the Spanish settlement at Augustine. Many applauded the proposal, but men of cool reflection were averse

from rushing into any hazardous enterprise. A great majority of the assembly, however, declared for the expedition, and a sum of two thousand pounds sterling was voted for the service of the war. Six hundred Indians were engaged, who, being fond of warlike exploits, gladly accepted of arms and ammunition offered them for their aid and assistance. Six hundred provincial militia were raised, and schooners and merchant ships were impressed for transports to carry the forces. Port Royal was fixed upon as the place of general rendezvous, and there, in September, the governor, at the head of his warriors, embarked in an expedition as rash and fool-hardy on one side, as it was unprovoked on the other. In the plan of operations, it had been agreed that Colonel Daniel, who was an officer of spirit, should go by the inland passage with a party of militia and Indians, and make a descent on the town from the land, while the governor with the main body should proceed by sea, and block up the harbour. Colonel Daniel lost no time, but advanced against the town, and entered and plundered it before the governor got forward to his assistance; but the Spaniards having laid up provisions for four months in the castle, on his approach they retired to it, with all their money and most valuable effects. Upon the arrival of Governor Moore, the place was invested with a force against which the Spaniards could not appear, and they therefore kept themselves shut up in their strong-hold. The governor finding it impossible to dislodge them without such artillery as are necessary to a siege, despatched a sloop to Jamaica, on purpose to bring cannon, bombs, and mortars, for attacking the castle; and Colonel Daniel embarked and sailed with the greatest expedition to bring them. During his absence two Spanish ships, the one of twenty-two guns and the other of sixteen, appeared off the mouth of the harbour, and struck such a panic into the governor, that he instantly raised the siege, abandoned his ships, and made a precipitate retreat to Carolina by land; in consequence of which, the Spaniards in the garrison were not only relieved, but the ships, provisions, and ammunition, belonging to the Carolinians, fell also into their hands. Colonel Daniel, on his return, standing in for the harbour of Augustine, to his surprise, found the siege raised, and made a narrow escape from the enemy.

Upon his return to Carolina, as might naturally have been expected, many severe reflections were thrown out against the governor. The expedition entailed a debt of six thousand pounds sterling on a poor colony, which, at that period, was a grievous burden. A bill was passed by the assembly for

* History of the United States, vol. ii. p. 168.

stamping bills of credit to answer the public expense, which were to be sunk in three years by a duty laid upon liquors, skins, and furs. This was the first paper money issued in Carolina, and, for five or six years after the emission, it passed in the country at the same value and rate with the sterling money of England; but as the quantity was subsequently augmented, the value decreased in proportion.

Governor Moore resolved to retrieve his character in a new field of enterprise. Exasperated by the insults and injuries which the Apalachian Indians were instigated by the Spaniards to commit, he determined by one vigorous effort to break their power. At the head of a strong detachment of the colonial militia, attended by a body of Indian allies, he marched into the hostile settlements, defeated the enemy with the loss of eight hundred men, and compelled the whole district of Apalachia to submit to the English government. To render his conquest permanent, he transplanted fourteen hundred of the Apalachian Indians to the territory which is now denominated Georgia; a measure which appears to have paved the way to the subsequent settlement of the English in that part of the country. In 1706, the Spaniards from Florida, aided also by the French, made an attack on Carolina. Nathaniel Johnson, who had succeeded Moore as governor, having received intimation of their approach, erected fortifications, and made arrangements to obtain, on short warning, the assistance of the militia. When the enemy's fleet appeared before Charleston, the whole strength of the colony was summoned to defend it; and these vigorous demonstrations insured its safety. Satisfied with the destruction of a few detached buildings, the enemy retired, leaving one of their ships, and ninety men, in possession of the Carolinians.

The northern colony continued to receive accessions to its strength from several of the European states. In 1707, a company of French protestants arrived, and seated themselves on the river Trent, a branch of the Neuse; and three years afterwards a large number of palatines, fleeing from religious persecution in Germany, sought refuge in the same part of the province. To each of these bodies of emigrants the proprietors granted a hundred acres of land. On their newly acquired possessions they were living in peace, in the enjoyment of liberty of conscience, and in the prospect of competence and ease, when suddenly a terrible calamity fell upon them. The Tuscarora and Coree Indians, smarting under recent aggressions, and dreading total extinction from the encroachment of these strangers, with characteristic secrecy, plotted their entire destruction. Sending

their families to one of their fortified towns, twelve hundred bowmen sallied forth, and in the same night attacked, in separate parties, the nearest settlements of the palatines. Men, women, and children, were indiscriminately butchered. The savages, with the swiftness and ferocity of wolves, ran from village to village. Before them was the repose of innocence; behind, the sleep of death. A few escaping alarmed the settlements more remote, and hastened to South Carolina for assistance. Governor Craven immediately despatched to the aid of the sister colony nearly a thousand men, under the command of Colonel Barnwell. Hideous was the wilderness through which Colonel Barnwell had to march, and the utmost expedition was requisite. There was no road through the woods upon which either horses or carriages could pass; and his army had all manner of hardships and dangers to encounter, from the climate, the wilderness, and the enemy. In spite of every difficulty, however, Barnwell advanced against them, and being much better supplied with arms and ammunition than his enemy, he did great execution among them, killing in the first battle three hundred Indians, and taking about one hundred prisoners. The Tuscaroras then retreated to their town, fortified within a wooden breastwork; but there Barnwell surrounded them, and forced them to sue for peace; and some of his men being wounded, and others having suffered greatly by constant watching, and much hunger and fatigue, the savages the more easily obtained their request. After having killed, wounded, or captured nearly a thousand Tuscaroras, Barnwell returned to South Carolina. The peace was, however, of short duration, and upon the recommencement of hostilities, assistance was again solicited from the southern colony. Colonel James Moore, an active young officer, was immediately despatched, with forty white men and eight hundred friendly Indians. He found the enemy in a fort near Cotechny river; and after a siege, which continued more than a week, the fort was taken, and eight hundred Indians made prisoners. The Tuscaroras, disheartened by this defeat, migrated, in 1713, to the north, and joined the celebrated confederacy, denominated the Five Nations. The others sued for peace, and afterwards continued friendly.

The northern colony had scarcely recovered from the scourge of Indian war, when the southern was exposed to the same calamity. All the tribes from Florida to Cape Fear, had been for some time engaged in a conspiracy to extirpate the whites. On the day before the Yamassees began their bloody operations, Captain Nairn and some of the traders observ-

ing an uncommon gloom on their savage countenances, and apparently great agitations of spirit, which to them prognosticated approaching mischief, went to their chief men, begging to know the cause of their uneasiness, and promising if any injury had been done them, to give them satisfaction. The chiefs replied, they had no complaints to make against any one, but intended to go a-hunting early the next morning. Captain Nairn accordingly went to sleep, and the traders retired to their huts, and passed the night in seeming friendship and tranquillity. But next morning at day-break, the 15th day of April, all were alarmed with the cries of war. The leaders were all out under arms, calling upon their followers, and proclaiming aloud designs of vengeance. The young men, burning with fury and passion, flew to their arms, and in a few hours, massacred above ninety persons in Pocatoligo town and the neighbouring plantations; and many more must have fallen a sacrifice on Port Royal island, had they not providentially been warned of their danger. Mr. Burrows, a captain of the militia, after receiving two wounds, by swimming one mile and running ten, escaped to Port Royal, and alarmed the town. A vessel happening fortunately to be in the harbour, the inhabitants, in great hurry, repaired on board, and sailed for Charleston; a few families of planters on that island, not having timely notice, fell into the barbarous hands of the Indians, and of them some were murdered, and others made prisoners of war.

While the Yamassees, with whom the Creeks and Apalachians had joined, were advancing against the southern frontiers, and spreading desolation and slaughter through the province, the colonists on the northern borders also found the Indians among their settlements in formidable parties. The Carolinians had foolishly entertained hopes of the friendship of the Congarees, the Catawbias, and Cherokees; but they soon found that they had also joined in the conspiracy, and declared for war. It was computed that the southern division of the enemy consisted of above six thousand bowmen, and the northern of between six hundred and a thousand. In the muster-roll at Charleston, there were no more than one thousand two hundred men fit to bear arms, but as the town had several forts into which the inhabitants might retreat, Governor Craven resolved to march with this small force into the woods against the enemy. He proclaimed martial law, and laid an embargo on all ships, to prevent either men or provisions from leaving the country. He obtained an act of assembly, empowering him to impress men, and seize arms, ammunition, and stores, wherever they were to be found, to arm

such trusty negroes as might be serviceable at a juncture so critical, and to prosecute the war with the utmost vigour. Being no stranger to the ferocious temper of his enemies, and their horrid cruelty to prisoners, the governor advanced against them by slow and cautious steps, always keeping the strictest guard round his army. He knew well under what advantages they fought among their native thickets, and the various wiles and stratagems they made use of in conducting their wars; and therefore he was watchful above all things against surprises, which might throw his followers into disorder, and defeat the end of his enterprise. The fate of the whole province depended on the success of his arms, and his men had no other alternative but to conquer or die a painful death. As he advanced, the straggling parties fled before him, until he reached Saltcatchers, where they had pitched their great camp. Here a sharp and bloody battle ensued from behind trees and bushes, the Indians whooping, hallooing, and giving way one while, and then again and again returning with double fury to the charge. But the governor, notwithstanding their superior number, and their terrible shrieks, kept the provincials close at their heels, and drove them before him like a flock of wolves. He expelled them from their settlement at Indian River, pursued them over the Savannah, and entirely freed the province of this formidable tribe of savages. What number of the army was killed does not appear; but in the whole war nearly four hundred unfortunate inhabitants of Carolina fell a prey to Indian cruelty, property of great value was destroyed, and a large debt contracted.

The proprietors, though earnestly solicited, refused to afford any relief, or to pay any portion of the debt. The assembly, therefore, determined to remunerate the colony, by disposing of the land from which the Indians had been driven. The terms offered were so favourable, that five hundred Irishmen immediately came over, and planted themselves on the frontiers. The proprietors, most unwisely as well as unjustly, refused to sanction the proceedings of the assembly, and deprived these emigrants of their lands. Reduced to extreme poverty, some perished from want, while others resorted to the northern colonies; and thus a strong barrier between the old settlements and the savages was removed, and the country again exposed to their incursions. The people were exasperated, and longed for a change of masters; and the corrupt and oppressive conduct of Trott, the chief justice, and Rhett, the receiver-general, increased the discontent. Of the former, the governor and council complained to the proprietors, and

solicited his recall; but, instead of removing him, they thanked him for his services, and removed the governor and council. With the governor next appointed, though a man generally beloved, the assembly refused to have any concern or intercourse. They drew up articles of impeachment against Trott, accusing him of corruption and gross misconduct, and sent an agent to England, to maintain their accusation before the proprietors; but he was still continued in office.

The patience of the people now became exhausted, and they waited only for a favourable opportunity to throw off their oppressive yoke. In 1719, at a general review of the militia at Charleston, occasioned by a threatened invasion of the colony from Florida, the officers and soldiers bound themselves by a solemn compact, to support each other in resisting the tyranny of the proprietors; and the assembly, which was then in session, requested Governor Johnson to consent to administer the government in the name of the king; but he refused, and dissolved the assembly by proclamation. The members immediately met as a convention, and elected Colonel James Moore their governor.* He was a bold man, and exceedingly well qualified for a popular leader in a turbulent season. He accepted the appointment, and assisted by the convention, and supported by the people, administered the affairs of the colony. The representatives of the people took a dislike to the name of a convention, voted themselves an assembly, and assumed the power of appointing all public officers. In place of

Trott, they made Richard Allein chief justice. Another person was appointed provincial secretary, in the room of Charles Hart. But Rhett, by becoming obsequious to the humours of the revolutionists, secured the same office he held from the proprietors. Colonel Barnwell was chosen agent for the province, and embarked for England, with instructions and orders to apply only to the king, to lay a statement of their public proceedings before him, praying him to take the province under his immediate care and protection. The fortifications at Charleston they ordered to be immediately repaired, and Rhett was nominated inspector-general of the repairs. To their new governor they voted two thousand five hundred pounds, and to their chief justice eight hundred pounds, current money, as yearly salaries. To their agent in England one thousand pounds sterling was transmitted; and to defray those and the other expenses of government, a law was passed for laying a tax on lands and negroes, to raise thirty thousand pounds, Carolina money, for the service of the current year. In short, this popular assembly imposed such burdens on their constituents, as under the proprietary government would have been deemed intolerable grievances. When, however, they began to levy those heavy taxes, Governor Johnson and some of his party refused to pay, giving for reason, that the act was not made by lawful authority. On account of his particular circumstances, Mr. Johnson was exempted; but they resolved to compel every other person to submit to their jurisdiction, and yield implicit obedience

* The declaration of this convention was as follows: "Whereas the proprietors of this province have of late assumed to themselves an arbitrary and illegal power, of repealing such laws as the general assembly of this settlement have thought fit to make for the preservation and defence thereof, and acted in many other things contrary to the laws of England, and the charter to them and us, freemen, granted; whereby we are deprived of those measures we had taken for the defence of the settlement, being the south-west frontier of his majesty's territories in America, and thereby left naked to the attacks of our inveterate enemies and next door neighbours, the Spaniards, from whom, through the Divine Providence, we have had a miraculous deliverance, and daily expect to be invaded by them, according to the repeated advices we have from time to time received from several places: and whereas, pursuant to the instructions and authorities to us given, and trust in us reposed by the inhabitants of this settlement, and in execution of the resolutions by us made, we did in due form apply ourselves in a whole body, by an address, to the Honourable Robert Johnson, appointed governor of this province by the lords proprietors, and desired him, in the name of the inhabitants of this province, to take upon him the government of the same, and in behalf of his majesty the king of Great Britain, France, and Ireland, until his majesty's pleasure had been known, which the said governor refusing to do, exclusive of the pretended power of the lords proprietors over the settlement, has put us under the necessity of applying to some other person, to take upon him, as governor, the administration of all the affairs, civil and military, within the settlement, in the name and for the service of his most sacred majesty, as well as making treaties, alliances, and leagues, with any nation of the Indians, until his majesty's pleasure herein be further known: and whereas James

Moore, a person well affected to his present majesty, and also zealous for the interest of the settlement, now in a sinking condition, has been prevailed with, pursuant to such our application, to take upon him, in the king's name, and for the king's service and safety of the settlement, the above-mentioned charge and trust: we therefore, whose names are hereunto subscribed, the representatives and delegates of his majesty's huge people, and free-born subjects of the said settlement, now met in convention at Charleston, in their names, and in behalf of his sacred majesty, George, by the grace of God, king of Great Britain, France, and Ireland, in consideration of his former and many great services, having great confidence in his firm loyalty to our most gracious king, George, as well as in his conduct, courage, and other great abilities, do hereby declare the said James Moore his majesty's governor of this settlement, invested with all the powers and authorities belonging and appertaining to any of his majesty's governors in America, till his majesty's pleasure herein shall be further known. And we do hereby, for ourselves, in the name and on the behalf of the inhabitants of the said settlement, as their representatives and delegates, promise and oblige ourselves most solemnly to obey, maintain, assist, and support the said James Moore, in the administration of all affairs, civil and military, within this settlement, as well as in the execution of all his functions aforesaid, as governor for his sacred majesty, King George. And further, we do expect and command, that all officers, both civil and military, within the settlement, do pay him all duty and obedience as his majesty's governor, as they shall answer to the contrary at their utmost peril. Given under our hand, at the convention, this 21st day of December, 1719."—History of South Carolina, vol. i. p. 276—278.

to their laws. They forcibly seized the effects or negroes of such as refused, sold them by public auction, and applied the money for the payment of their taxes. Thus, in spite of all opposition, they established themselves in the full possession of government, both in their legislative and executive capacities.

The agent for Carolina at length procured a hear-

* About this period an incident occurred, which, as it eminently illustrates the nature, extent, and folly of religious enthusiasm, (as distinct from the sincere fervour of a rational faith as it is from the cold formality of pharisaism, or the desolating mania of skepticism,) should not be passed unnoticed, especially as the spread of knowledge has not, in our own age, prevented similar disgraceful and blasphemous follies from procuring disciples and advocates. Perhaps some individuals, who have been accustomed to confound the yet too limited exertions of an evangelical benevolence with the folly of enthusiasm, may learn the immense breadth of a distinction, which it is not to the honour of their rational powers so long to have overlooked.

"The family of Dutartres, consisting of four sons and four daughters, were descendants of French refugees, who came into Carolina after the revocation of the edict of Nantz. They lived in Orange-quarter, and, though in low circumstances, always maintained an honest character, and were esteemed by their neighbours, persons of blameless and irreproachable lives. But at this time a strolling Moravian preacher happening to come to that quarter where they lived, insinuated himself into their family, and partly by conversation, and partly by the writings of Jacob Behmen, which he put into their hands, filled their heads with wild and fantastic ideas. Unhappily for the poor family, those strange notions gained ground on them, insomuch that in one year they began to withdraw themselves from the ordinances of public worship, and all conversation with the world around them, and strongly to imagine they were the only family upon earth who had the knowledge of the true God, and whom he vouchsafed to instruct, either by the immediate impulses of his Spirit, or by signs and tokens from heaven. At length it came to open visions and revelation. God raised up a prophet among them, like unto Moses, to whom he taught them to hearken. This prophet was Peter Rombert, who had married the eldest daughter of the family when a widow. To this man the Author and Governor of the world deigned to reveal, in the plainest manner, that the wickedness of man was again so great in the world, that, as in the days of Noah, he was determined to destroy all men from off the face of it, except one family whom he would save for raising up a godly seed upon earth. This revelation Peter Rombert was sure of, and felt it as plain as the wind blowing on his body, and the rest of the family, with equal confidence and presumption, firmly believed it.

"A few days after this, God was pleased to reveal himself a second time to the prophet, saying, Put away the woman whom thou hast for thy wife, and when I have destroyed this wicked generation, I will raise up her first husband from the dead, and they shall be man and wife as before, and go thou and take to wife her youngest sister, who is a virgin, so shall the chosen family be restored entire, and the holy seed preserved pure and undefiled in it. At first the father, when he heard of this revelation, was staggered at so extraordinary a command from heaven; but the prophet assured him that God would give him a sign, which accordingly happened; upon which the old man took his youngest daughter by the hand, and gave her to the wise prophet immediately for his wife. Thus, for some time, they continued in acts of incest and adultery, until that period which made the fatal discovery, and introduced the bloody scene of blind fanaticism and madness.

"Those deluded wretches were so far possessed with the false conceit of their own righteousness and holiness, and of the horrid wickedness of all others, that they refused obedience to the civil magistrate, and all laws and ordinances of men. Upon pretence that God commanded them to bear no arms, they not only refused to comply with the militia law, but also the laws for repairing the

highways. After long forbearance, Mr. Simmons, a worthy magistrate, and the officer of the militia in that quarter, found it necessary to issue his warrants for levying the penalty of the laws upon them. But by this time Judith Dutartre, the wife of the prophet obtained by revelation, proving with child, another warrant was issued for bringing her before the justice to be examined, and bound over to the general sessions, in consequence of a law of the province, framed for preventing bastardy. The constable having received his warrants, and being jealous of meeting with no good usage in the execution of his office, prevailed on two or three of his neighbours to go along with him. The family observing the constable coming, and being apprised of his errand, consulted their prophet, who soon told them that God commanded them to arm and defend themselves against persecution, and their substance against the robberies of ungodly men, assuring them at the same time that no weapon formed against them should prosper. Accordingly they did so, and laying hold of their arms, fired on the constable and his followers, and drove them out of their plantation. Such behaviour was not to be tolerated, and therefore, Captain Simmons gathered a party of militia, and went to protect the constable in the execution of his office. When the deluded family saw the justice and his party approaching, they shut themselves up in their house, and firing from it like furies, shot Captain Simmons dead on the spot, and wounded several of his party. The militia returned the fire, killed one woman within the house, and afterwards forcibly entering it, took the rest prisoners, six in number, and brought them to Charleston. At the court of general sessions, held in September, 1724, three of them were brought to trial, found guilty, and condemned. Alas! miserable creatures, what amazing infatuation possessed them! They pretended they had the Spirit of God leading them to all truth, they knew it, and felt it; but this spirit, instead of influencing them to obedience, purity, and peace, commanded them to commit rebellion, incest, and murder. What is still more astonishing, the principal persons among them, I mean the prophet, the father of the family, and Michael Boneau, never were convinced of their delusion, but persisted in it until their last breath. During their trial, they appeared altogether unconcerned and secure, affirming that God was on their side, and therefore, they feared not what man could do unto them. They freely told the incestuous story in open court, in all its circumstances and aggravations, with a good countenance, and very readily confessed the facts respecting their rebellion and murder, with which they stood charged, but pleaded their authority from God in vindication of themselves, and insisted they had done nothing in either case but by his express command. As it is commonly the duty of clergymen to visit persons under sentence of death, both to convince them of their error and danger, and prepare them for death by bringing them to a penitent disposition, Alexander Garden, the episcopal minister of Charleston, to whom we are indebted for this account, attended these condemned persons with great diligence and concern. What they had affirmed in the court of justice, they repeated and confessed to him in like manner in the prison. When he began to reason with them, and to explain the heinous nature of their crimes, they treated him with disdain. Their motto was, Answer him not a word; who is he that shall presume to teach them, who had the Spirit of God speaking inwardly to their souls. In all they had done, they said they had obeyed the voice of God, and were now about to suffer martyrdom for his religion. But God had assured them, that he would either work a deliverance for them, or raise them up from the dead on the third day. These things the three men continued confidently to believe, and notwithstanding all the means used to convince them of their mistake, persisted

Several years afterwards, seven of the proprietors sold to the king their claim to the soil and rents, and all of them assigned to him their right of jurisdiction. The government of both Carolinas was subsequently administered in each colony by a governor and council appointed by the crown, and by assemblies chosen by the people.

After the purchase of the province, the first object of the royal concern was, to establish the peace of the colony on the most firm and permanent foundation; and to attain this object, treaties of union and alliance with Indian nations were deemed essentially necessary. For this purpose Sir Alexander Cumming was appointed, and sent out to conclude a treaty of alliance with the Cherokees, at this time a warlike and formidable nation of savages, occupying the lands about the river of Savannah, and extending to the Apalachian mountains. About the beginning of the year 1730, Sir Alexander arrived in Carolina, and made preparations for his journey to the distant hills. After a conference with the chiefs, they consented to acknowledge King George as their sovereign, and several of them repaired to England, as a deputation, to do homage to the British king. We shall not pretend to describe their feelings on beholding the metropolis of Great Britain, or their amaze-

in the same belief until the moment they expired. At their execution they told the spectators, with seeming triumph, they should soon see them again, for they were certain they should rise from the dead on the third day. With respect to the other three, the daughter Judith being with child, was not tried, and the two sons, David and John Dutartre, about eighteen and twenty years of age, having been also tried and condemned, continued sullen and reserved, in hopes of seeing those that were executed rise from the dead, but being disappointed, they became, or at least seemed to become, sensible of their error, and were both pardoned. Yet, not long afterwards, one of them relapsed into the same snare, and murdered an innocent person, without either provocation or previous quarrel, and for no other reason, as he confessed, but that God had commanded him so to do. Being a second time brought to trial, he was found guilty of murder, and condemned. Mr. Garden attended him again under the second sentence, and, he acknowledged, with great appearance of success. No man could appear more deeply sensible of his error and delusion, or could die a more sincere and hearty penitent on account of his horrid crimes. With great attention he listened to Mr. Garden, while he explained to him the terms of pardon and salvation proposed in the gospel, and seemed to die in the humble hopes of mercy, through the all-sufficient merits of a Redeemer.

"Thus ended that tragical scene of fanaticism, in which seven persons lost their lives,—one was killed, two were murdered, and four executed for the murders. A signal and melancholy instance of the weakness and frailty of human nature, and to what giddy heights of extravagance and madness an inflamed imagination will carry unfortunate mortals."—*History of Carolina*, vol. i. p. 302—307.

* "This treaty, that it might be easier understood, was drawn up in language as similar as possible to that of the Indians, which at this time was very little known in England, and given to them, certified and approved by Sir Alexander Cumming. In answer to which, Skijagustah, in the name of the rest, made a speech to the following effect:—'We are come hither from a mountainous place, where nothing but darkness is to be found—but we are now in a

ment at the extent of the city, the number of the people, and the splendour of the army and court. Being admitted into the presence of the king, they, in the name of their nation, promised to continue for ever his majesty's faithful and obedient subjects. A treaty was drawn up, and signed by the secretary to the lords commissioners of trade and plantations on one side, and by the six chiefs on the other.*

The Cherokees, however barbarous, were a free and independent people; and this method of obtaining a share of their lands by the general consent, was fair and honourable in itself, and most agreeable to the general principles of equity, and the English constitution. An agreement was made with them, in consequence of which the king could not only give a just title to Indian lands; but, by Indians becoming his voluntary subjects, the colonists obtained peaceable possession. The Cherokees held abundance of territory from nature, and could spare a share of it with little injury to themselves; but reason and justice required that it be obtained by their free consent. By such treaties mutual presents were made, mutual obligations were established, and, for the performance of the conditions required, the honour and faith of both parties were pledged. Even to men in a barbarous state, such policy was the most agreeable, as

place where there is light.—There was a person in our country—he gave us a yellow token of warlike honour, which is left with Moytoy, of Telliquo—and as warriors we received it.—He came to us like a warrior from you.—A man he is;—his talk is upright—and the token he left preserves his memory among us.—We look upon you as if the great king were present;—we love you as representing the great king;—we shall die in the same way of thinking.—The crown of our nation is different from that which the great King George wears, and from that we saw in the tower.—But to us it is all one.—The chain of friendship shall be carried to our people.—We look upon the great King George as the sun, and as our father, and upon ourselves as his children.—For though we are red, and you are white, yet our hands and hearts are joined together.—When we shall have acquainted our people with what we have seen, our children from generation to generation will always remember it.—In war we shall always be one with you. The enemies of the great king shall be our enemies;—his people and ours shall be one, and shall die together.—We came hither naked and poor as the worms of the earth, but you have every thing,—and we that have nothing must love you, and will never break the chain of friendship which is between us.—Here stands the governor of Carolina, whom we know.—This small rope we show you is all that we have to bind our slaves with, and it may be broken.—But you have iron chains for yours.—However, if we catch your slaves, we will bind them as well as we can, and deliver them to our friends, and take no pay for it.—We have looked round for the person that was in our country—he is not here;—however, we must say he talked uprightly to us, and we shall never forget him.—Your white people may very safely build houses near us;—we shall hurt nothing that belongs to them, for we are children of one father, the great king, and shall live and die together.' Then laying down his feathers upon the table, he added, 'This is our way of talking, which is the same thing to us as your letters in the book are to you; and to you, beloved men, we deliver these feathers in confirmation of all we have said.'"—*History of South Carolina*, vol. ii. p. 9, 10.

will afterwards clearly appear ; for the Cherokees, in consequence of this treaty, for many years remained in a state of perfect friendship and peace with the colonists, who followed their various employments in the neighbourhood of those Indians without the least terror or molestation.

As a natural consequence of its domestic security, the credit of the province in England increased. The merchants of London, Bristol, and Liverpool, turned their eyes to Carolina, as a new and promising channel of trade, and established houses in Charleston for conducting their business with the greater ease and success. Hitherto, however, small progress in cultivation had been made, and the face of the country appeared like a desert, with little spots here and there cleared, scarcely discernible amidst the immense forest. Charleston, at this time, consisted of between five and six hundred houses, mostly built of timber, and neither well constructed nor comfortable ; but from this period the province improved in building as well as in agriculture ; many ingenious artificers and tradesmen of different kinds found encouragement in it, and introduced a taste for brick buildings, and more neat and pleasant habitations. In process of time, as the colony increased in numbers, the face of the country changed, and the planters made a rapid progress towards wealth and independence. At this period, for the relief of poor and indigent people of Great Britain and Ireland, and for the security of the southern frontier of Carolina, the settlement of a new colony between the rivers Alatomaha and Savannah was projected in England.

The Carolinas now attracted general attention, and their population was increased by accessions from several of the states of Europe. Encouraged by the assurances and the arrangements of their countryman, John Peter Pury, a native of Neufchatel, in Switzerland, one hundred and seventy persons emigrated with him to this province, and not long after they were joined by two hundred more. The governor, according to agreement, allotted forty thousand acres of land for the use of the Swiss settlement on the north-east side of Savannah river ; and a town was marked out for their accommodation, which he called Purisburgh, from the name of the principal promoter of the settlement. These settlers, however, felt very severely the change of climate, to which many of their lives fell a sacrifice ; and for some years the survivors deeply regretted the voluntary banishment to which they had subjected themselves. In the same year, according to a plan that had been recently adopted in England for the more speedy population and settlement of Carolina, eleven townships were

marked out on the sides of rivers, in square plats, each consisting of twenty thousand acres. Two of these townships were laid out on the Alatomaha ; two on the Savannah ; two on the Santee ; one on the Pedee ; one on the Wacamaw ; one on the Wateree ; and one on Black River. The lands in these townships were divided into shares of fifty acres for each man, woman, and child, who should come over to occupy and improve them. In 1737, multitudes of labourers and husbandmen in Ireland, unable to procure a comfortable subsistence for their families in their native land, embarked for Carolina. The first colony of Irish, receiving a grant of lands near Santee River, formed a settlement, which was called Williamsburgh.

In 1738, an alarming insurrection of the negroes occurred in the southern colony. A number of them assembled at Stono, and surprised and killed two men who had charge of a warehouse, from which they took guns and ammunition. They then chose a captain, and, with drums beating and colours flying, marched south-westward. They burned every house on their way, killed all the whites they could find, and compelled other negroes to join them. Governor Bull, who was returning to Charleston from the southward, accidentally met them, hastened out of their way, and spread an alarm. The news soon reached Wiltown, where, fortunately, a large congregation were attending divine service. The men having, according to a law of the province, brought their arms to the place of worship, marched instantly in quest of the negroes, who, by this time, had become formidable, and spread terror and desolation around them, having killed about twenty of the whites. While, in an open field, they were carousing and dancing, with frantic exultation at their late success, they were suddenly attacked ; some were killed, and the remainder took to flight, but most of them were taken and tried. Those who had been compelled to join the conspirators were pardoned ; but the leaders and principal instigators suffered death. Under apprehensions resulting, probably, from this rebellion, the legislature of South Carolina passed an act, that whoever shall teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, shall, for every such offence, forfeit the sum of one hundred pounds.*

From this period until the era of the revolution, no important event occurred in these colonies. They were sometimes distressed by Indian wars ; but the

* Grimke's Public Laws of South Carolina. The fine was to be " current money."

number of inhabitants, and the means of subsistence and comfort, were constantly increasing. Among other sources of wealth, the cultivation of the Indigo plant deserves particular notice. Some seed imported from the West Indies was sown as an experiment; and it was so entirely successful, that several planters turned their immediate attention to its culture, and studied the art of extracting the dye. At the port of Charleston, during the year 1744, two hundred and thirty vessels were loaded, and fifteen hundred seamen were employed in the trade of Carolina.

The Carolinas were frequently exposed to the injurious effects of war from the French and Spaniards, as well as from some of the Indian tribes; but after the treaty of Paris, the progress of these colonies was no longer retarded from that cause. The assembly of South Carolina, taking advantage of the peaceful state of the colony to encourage emigration, appropriated a large fund for bounties to foreign protestants, and such industrious poor people of Great Britain and Ireland as should resort to the province within three years, and settle on the inland parts. Two townships, each containing forty-eight thousand acres, were laid out; one on the river Savannah, called Mecklenburgh, and the other on the waters of Santee at Long Cane, called Londonderry. Not long after, the colony received a considerable accession from Germany, the occasion of which was peculiar. Between five and six hundred poor Germans, seduced into England by deceitful promises, were commiserated by the citizens of London, who provided for their relief. The king expressing a desire of transporting them to Carolina, two ships were furnished for their accommodation, and provisions for their voyage, and a hundred and fifty stand of arms were ordered from the Tower, and given them by the king. On their arrival, in April, at Charleston, the assembly of the province voted five hundred pounds sterling to be distributed among them; one of the two townships was allotted to them, and divided in the most equitable manner into small tracts, for the convenience of each family; and all possible assistance was given toward their speedy and comfortable settlement. Carolina also received at this time more than two hundred settlers from France. The province furnished them with the means of conveyance to Long Cane, where vacant lands were laid out for their use, to which they gave the name of New Bordeaux, after the capital of the province from which most of them had emigrated. Besides foreign protestants, several persons emigrated from England and Scotland, and great multitudes from Ireland, and settled in Carolina. An accession was also derived from the northern

colonies, from which, in the space of one year, above a thousand families removed thither. To these adventurers, lands in small tracts were allotted on the frontiers, by which means the back settlements soon became the most populous part of the province, while the whole felt the important benefits resulting from such accessions to its population.

CHAPTER XII.

GEORGIA.

THE last of the colonies commenced previous to the war of independence was Georgia. It originated in the desire of the government to strengthen the southern frontier of the British dominions in America against the encroachments of the Spaniards; and at the same time to afford an opportunity for emigration to a number of families in indigent circumstances. With these views, a company of wealthy, influential, and benevolent persons, was formed in England, who did not hesitate to embark a considerable sum in the promotion of their humane design. Having obtained a patent from George II., conferring on them the requisite powers, they enacted, among other regulations, that the lands should neither be sold nor devised by the owners, but should descend to the male children only; they prohibited the use of rum in the colony, and strictly interdicted the importation of negroes: but none of these regulations remained long in force.

The trustees lost no time in the prosecution of their design. In November, James Oglethorpe, one of their number, embarked at Gravesend for Georgia, with one hundred and sixteen persons, destined for settlement in the country. In the following January he arrived at Charleston, where he was treated with hospitality and respect by the governor and council of South Carolina, and received great encouragement and assistance. Having explored the country, he fixed on a high spot of ground, in the vicinity of an Indian town on the Savannah, called Yamacraw, as the most convenient and healthy situation. The new town, after the Indian name of the river which ran by it, was called Savannah. A fort having been completed, and the colony put in a state of safety, the next object of Oglethorpe's attention was to treat with the Indians for a share of their possessions. The territory was principally occupied by the Upper and Lower Creeks, who were computed to amount to about twenty-five thousand, including women and children; and these tribes, according to a treaty formerly made with Governor Nicholson, laid claim to the lands lying

south-west of Savannah river. The tribe of Indians at Yamacraw was inconsiderable. It appeared, therefore, of the highest consequence to procure the friendship, not of that tribe only, but of the more formidable Creeks. By the assistance of an Indian woman, who had married a trader from Carolina, and who could speak both the English and Creek languages, Oglethorpe summoned a general meeting of the chiefs to hold a congress with him at Savannah, in order to procure their consent to the peaceable settlement of his colony. Being assembled, he represented to them the great power, wisdom, and wealth of the English; and the advantages that would accrue to the Indian tribes from a connexion with this nation; and expressed his hope, that, as they had plenty of lands, they would freely resign a share of them to his people, who, for their benefit and instruction, had come to settle among them. After he had distributed presents among the Indians, an agreement was made; and Tomochichi, in the name of the Creek warriors, made a speech to him. Among other observations, he said, "Here is a little present," and then gave him a buffalo's skin, painted on the inside with the head and feathers of an eagle, and desired him to accept it, "because the eagle signified speed, and the buffalo, strength. The English," he proceeded, "are as swift as the bird, and as strong as the beast; since, like the first, they fly from the utmost parts of the earth over vast seas, and, like the second, nothing can withstand them. The feathers of the eagle are soft, and signify love; the buffalo's skin warm, and signifies protection; he hoped, therefore, that they would love and protect their little families."

Having concluded this treaty of friendship with the natives, and placed his colony in the best posture of defence, Oglethorpe returned to England, carrying with him Tomochichi, his queen, and several other Indians. On their arrival in London, these Indian chiefs were introduced to his majesty; and during the whole time they were in England, nothing was neglected that might serve to engage their affections, and fill them with just notions of the greatness and power of the British nation. The nobility, curious to see them, and observe their manners, entertained them magnificently at their tables. Wherever they went, multitudes flocked around them, shaking hands with the rude warriors of the forest, giving them little presents, and treating them with every mark of friendship and civility. Twenty pounds a-week were allowed them by the crown while they remained in England, and when they returned, it was computed they carried with them presents to the value of four hundred pounds. After staying four months, and seeing the grandeur

of the English sovereign, they were carried to Gravesend in one of his majesty's carriages, where they embarked for Georgia, highly pleased with the generosity of the nation, and promising eternal fidelity to its interest. This generous and kind method of treating barbarians was better policy than overawing them by force, and was attended, as might have been expected, with the happiest consequences.

During the following year, five or six hundred poor persons arrived, and to each a portion of the wilderness was assigned. But it was soon found that these emigrants, who were the refuse of cities, and had been rendered poor by idleness, and irresolute by poverty, were not fitted to fell the mighty forests of Georgia. A race more hardy and enterprising was necessary. The trustees, therefore, offered to receive those who had not by persecution or poverty been rendered objects of compassion, and to grant to all who should repair to the colony fifty acres of land. In consequence of this offer, more than four hundred persons from Germany, Scotland, and Switzerland, embarked for the colony in the year 1735. To the Highlanders, a township was allotted on the river Alatomaha, which was then considered as the boundary between the British and Spanish territories. Here they built a fort, which they called Darien; and a town, which they called New Inverness. In February, 1736, Oglethorpe arrived with two ships, which had on board three hundred passengers. More than half of these were Germans, who, with others of their countrymen who followed them, settled a town on Savannah, which they called Ebenezer.

The celebrated John Wesley made a visit to Georgia during this year, for the purpose of preaching to the colonists, and converting the Indians. Among the former he made some friends, but, it would appear, more enemies. He was accused of diverting the people from labour, of fomenting divisions, of claiming and exercising high and unwarranted ecclesiastical authority. Thirteen indictments for alleged offences were preferred against him; but before the time of trial arrived he returned to England, where, as is well known, he pursued a successful and distinguished career of piety and usefulness.

It was about this time that Oglethorpe took effective measures to fortify the colony. A fort was erected on the banks of the Savannah river; another on an island near the mouth of the river Alatomaha, where a town, called Frederica, was regularly laid out and built; and ten miles nearer the sea, on Cumberland island, was raised a battery, commanding the entrance into Jekyl sound, through which all ships of force must pass to reach Frederica. The Spa-

niards, taking umbrage at these fortifications of the English, sent from Havannah a commissioner, who, in a conference with Oglethorpe, demanded that he and his people should immediately evacuate the territories to the southward of St. Helena sound, as belonging to the king of Spain. Oglethorpe having endeavoured in vain to convince the commissioner of the erroneousness of this claim, and the conference breaking up without any agreement, he embarked with all possible expedition for England.

On this occasion Oglethorpe was appointed general and commander-in-chief of all his majesty's forces in South Carolina and Georgia, and was sent out from England with a regiment of six hundred men for the protection of the southern frontiers of the British dominions in America. During his absence, the Spaniards had made several attempts to seduce the Creeks, who were much attached to Oglethorpe; and, at the time of his arrival, some of the Creek chiefs were at St. Augustine. When they returned, they found an invitation from General Oglethorpe to all the chieftains to meet him at Frederica. A number of the head warriors immediately set out to meet him at the place appointed; where the general thanked them for their fidelity, made them many valuable presents, and renewed with them the treaty of friendship and alliance. The Spaniards, however, hesitated at the employment of no means to prevent the establishment of British colonies on their northern frontier. Finding opportunity to corrupt an English soldier who had been in the Spanish service, a mutiny through his influence was excited in Oglethorpe's camp, and a daring attempt was made to assassinate the general; but his life was preserved in an extraordinary manner, and the principal conspirators were shot.

About this time the indefatigable George Whitefield arrived in the colony. He had already become conspicuous in England by his ardent piety, his extraordinary eloquence, and his active zeal. He came to Georgia for the benevolent purpose of establishing an orphan-house, where poor children might be fed, clothed, and educated in the knowledge of christianity. In the prosecution of this purpose he often crossed the Atlantic, and traversed Great Britain and America, soliciting aid from the pious and charitable. Wherever he went, he preached with sincerity and fervour, and with such success, as to found a sect, which soon became both numerous and respectable. His orphan-house did not flourish during his life, and after his death was entirely abandoned. Although his proceedings and character would form very interesting topics, they do not come properly within the sphere of this history; and their principal incidents, as con-

nected, with America, have been noticed in a preceding chapter.

In the year 1740, the trustees rendered an account of their administration. At that time nearly two thousand five hundred emigrants had arrived in the colony; of whom more than fifteen hundred were indigent Englishmen, or persecuted protestants. The benefactions from government and from individuals had been nearly half a million of dollars; and it was computed that, for every person transported and maintained by the trustees, more than three hundred dollars had been expended. The hopes which the trustees had cherished, that the colony would be prosperous, and the objects of their benevolence happy, were far from realized. Such was the character of the greater part of the settlers and the nature of the restrictions imposed, that the plantations languished, and continued to require the contributions of the charitable. In the mean time events were preparing a rupture in Europe, and a war between England and Spain appeared inevitable. The plenipotentiaries, appointed for settling the boundaries between Georgia and Florida, and other differences and misunderstandings subsisting between the two crowns, had met at Pardo in convention, where preliminary articles were drawn up; but the conference ended to the satisfaction of neither party. The merchants had lost all patience under their sufferings, and became clamorous for letters of reprisal, which at length they obtained; all officers of the navy and army were ordered to their stations, and, with the unanimous voice of the nation, war was declared against Spain on the 23d of October, 1739. As soon as intelligence of the declaration of war reached Georgia, General Oglethorpe passed over to Florida with four hundred select men of his regiment, and a considerable party of Indians; and a few days after, he marched with his whole force, consisting of above two thousand men, regulars, provincials, and Indians, to Fort Moosa, within two miles of St. Augustine. The Spanish garrison, evacuating the fort on his approach, and retiring into the town, put themselves in a posture of defence; and the general, soon discovering that an attempt to take the castle by storm would be presumptuous, changed his plan of operations, and resolved, with the assistance of the ships of war which were lying at anchor off Augustine bar, to turn the siege into a blockade. Having made the necessary dispositions, he summoned the Spanish governor to a surrender; but, secure in his strong-hold, he sent him for answer, that he would be glad to shake hands with him in his castle. Indignant at this reply, the general opened his batteries against the castle, and at

the same time threw a number of shells in the town. The fire was returned with equal spirit from the Spanish fort, and from six half-galleys in the harbour; but the distance was so great that the cannonade, though it continued several days, did little execution on either side. It appears that, notwithstanding the blockade, the Spanish garrison contrived to admit a reinforcement of seven hundred men, and a large supply of provisions. All prospect of starving the enemy being lost, the army began to despair of forcing the place to surrender. The Carolina troops, enfeebled by the heat of the climate, dispirited by sickness, and fatigued by fruitless efforts, marched away in large bodies. The naval commander, in consideration of the shortness of his provisions, and of the near approach of the usual season of hurricanes, judged it imprudent to hazard his fleet longer on that coast. The general himself was sick of a fever, and his regiment was worn out with fatigue, and disabled by sickness. These combined disasters rendered it necessary to abandon the enterprise; and Oglethorpe, with extreme sorrow and regret, returned to Frederica.

After a lapse of two years, the Spaniards prepared to retaliate by the invasion of Georgia, intending, if successful, to subjugate the Carolinas and Virginia. On receiving information of their approach, General Oglethorpe solicited assistance from South Carolina: but the inhabitants of that colony, entertaining a strong prejudice against him, and terrified by the danger which threatened themselves, determined to provide only for their own safety, though without avowing their intention. General Oglethorpe, however, made preparations for a vigorous defence. He assembled seven hundred men, exclusive of a body of Indians, fixed his head-quarters at Frederica, on the island of St. Simon, and, with this small band, determined to encounter whatever force might be brought against him. It was his utmost hope that he might be able to resist the enemy until a reinforcement should arrive from Carolina, which he daily and anxiously expected. On the last day of June, the Spanish fleet, consisting of thirty-two sail, and having on board more than three thousand men, came to anchor off St. Simon's Bay. Notwithstanding all the resistance which General Oglethorpe could oppose, they sailed up the river Alatamaha, landed upon the island, and there erected fortifications. Convinced that his small force, if divided, must be entirely inefficient, Oglethorpe assembled the whole of it at Frederica. One portion he employed in strengthening his fortifications; the Highlanders and Indians ranging night and day through the

woods, often attacked the outposts of the enemy. The toil of the troops was incessant; and the long delay of the expected succours, still unexpectedly withheld by South Carolina, caused the most gloomy and depressing apprehensions. Oglethorpe, at length, learning, by an English prisoner who escaped from the Spanish camp, that a difference subsisted between the troops from Cuba and those from St. Augustine, so as to occasion a separate encampment, resolved to attack the enemy while thus divided. Taking advantage of his knowledge of the woods, he marched out in the night with three hundred chosen men, the Highland company, and some rangers, with the intention of surprising the enemy. Having advanced within two miles of the Spanish camp, he halted his troops, and went forward himself with a select corps to reconnoitre the enemy's situation. While he was endeavouring cautiously to conceal his approach, a French soldier of his party discharged his musket, and ran into the Spanish lines. Thus betrayed, he hastened his return to Frederica, and endeavoured to effect by stratagem what could not be achieved by surprise. Apprehensive that the deserter would discover to the enemy his weakness, he wrote to him a letter, desiring him to acquaint the Spaniards with the defenceless state of Frederica, and the ease with which his small garrison might be cut to pieces. He pressed him to bring forward the Spaniards to an attack; but, if he could not prevail thus far, to use all his art and influence to persuade them to stay at least three days more at Fort Simon; for within that time, according to advices he had just received from Carolina, he should have a reinforcement of two thousand land forces, with six British ships of war. The letter concluded with a caution to the deserter against dropping the least hint of Admiral Vernon's meditated attack upon St. Augustine, and with an assurance that for his service he should be amply rewarded by the British king. Oglethorpe gave it to a Spanish prisoner, who, for a small reward, together with his liberty, promised to deliver it to the French deserter. On his arrival at the Spanish camp, however, he gave the letter, as Oglethorpe expected, to the commander-in-chief, who instantly put the deserter in irons. This letter perplexed and confounded the Spaniards; some suspecting it to be a stratagem to prevent an attack on Frederica, and others believing it to contain serious instructions to direct the conduct of a spy. While the Spanish officers were deliberating what measures to adopt, an incident, not within the calculation of military skill, or the control of human power, decided their counsels. Three ships of force, which the governor

of South Carolina had sent out to Oglethorpe's aid, appeared at this juncture off the coast. The agreement of this discovery with the contents of the letter convinced the Spanish commander of its real intention. The whole army, seized with an instant panic, set fire to the fort, and precipitately embarked, leaving several cannon, with a quantity of provisions and military stores; and thus, in the moment of threatened conquest, was the infant colony providentially saved.

Thus was Georgia, with trifling loss, delivered from the most imminent danger. General Oglethorpe not only retrieved, but established his reputation. From the Carolinians, grateful for their preservation, and from the governors of most of the northern colonies, he received cordial congratulations upon his address and good fortune. But, on an impeachment brought forward before this invasion, Oglethorpe still felt himself bound in honour to return to England, where, on trial, the charge was adjudged to be false, malicious, and groundless, and its author dismissed his majesty's service. The character of this able general now appeared in its true light; and his contemporaries acknowledged, what impartial history records, that

* "George Whitefield, an eloquent itinerant preacher, was born in Gloucester, England, December 16, 1714. After having made some progress in classical learning, he was obliged to assist his mother, who kept an inn, in her business; but at the age of eighteen, he entered one of the colleges at Oxford. Here he became acquainted with Messrs. John and Charles Wesley, whose piety was ardent and singular, like his own. From the strict rules and methods of life which these young men followed, they were called Methodists, and they were the founders of the sect thus denominated. Mr. Whitefield's benevolent zeal led him to visit the poor, and even to search out the miserable objects in the jails, not only to diminish their wants, but that he might impart to them the consolations and hopes of the gospel. He took orders, being ordained by the bishop, June 20, 1736, and preached his first sermon in the church at Gloucester. When a complaint was afterwards entered with the bishop, that by this sermon he drove fifteen persons mad, the worthy prelate only expressed a wish, that the madness might not be forgotten before the next Sunday. After preaching at various places, he was induced, by a letter from Mr. Wesley, who was in Georgia, to embark for America. He arrived at Savannah May 7, 1738. After labouring in this place with unwearied fidelity for several months to promote the interests of religion, he embarked for England on the sixth of September. He was ordained priest, at Oxford, by Bishop Benson, January 14, 1739. In November he again arrived in America, and he travelled through the middle and southern colonies, dispensing the gospel to immense multitudes. In September, 1740, he arrived at Rhode Island from Savannah, having been invited by the ministers of Boston, and he preached in different parts of New England. At the end of October, he went to New York, and he soon returned to Georgia. He was much occupied in the establishment of an orphan house near Savannah. In January, 1741, he sailed for England. He arrived again in America in October, 1744, and he now spent between three and four years in this country. In March, 1748, he went to the Bermudas, and in July he reached London. When he commenced his career in England, the religion of the heart was much neglected, in the care to defend the outworks of Christianity against the assaults of infidels. If these assailants were repulsed, still the ingenious disquisitions of the day carried no terror into the enemy's camp; and the over-anxious attempts to conciliate unhumiliated reason, rather than to reduce the unholy heart to the obedience of the cross, could not fail to encourage the opposers of the truth. Mr. Whitefield, while aware of the necessity of enlightening the mind, knew also that there was much theological learning which had little influence upon the life. He therefore chose to content himself with preaching the plain and important doctrines of the gospel. These he presented so distinctly to the view, and enforced by such awful considerations, and with such energy and unexampled eloquence, that, through the divine agency, (without which he knew that his

to him Carolina was indebted for her safety and repose, as well as Georgia for her existence and protection. After this period, General Oglethorpe never returned to the province of Georgia, but upon all occasions discovered in England an uncommon zeal for its prosperity and improvement. From its first settlement, the colony had hitherto been under a military government, executed by the general and such officers as he thought proper to nominate and appoint; but now the trustees established a kind of civil government, and committed the charge of it to a president and four assistants, who were to act agreeably to the instructions they should receive from them, and to be accountable to that corporation for their public conduct.

Great occasions bring forth great men. There was not one of the colonies that cannot claim several men of distinguished talents and virtues in their early history. They sometimes incurred the displeasure of those who were incapable of comprehending the extensive views of the pioneers in the great cause of freedom; but time has swept away the clouds which gathered around them, and left their reputations in the clearness of day. Not only Oglethorpe, but Whitefield* was a distinguished friend to

labours would be utterly in vain,) he was the means of imparting the pure principles and the elevated hopes of religion to thousands, both in Great Britain and America. No preacher ever had such astonishing power over the passions of his auditory, or was attended by such multitudes as he sometimes addressed in the fields. In the early periods of his life, he was guilty, in some instances, of uncharitableness and indiscretion; but he afterwards had the magnanimity to confess his fault. He was, in reality, a man of a very liberal and catholic spirit, for he had little attachment to forms, and embraced all who loved the Lord Jesus in sincerity. His life was spent in most disinterested and benevolent exertion. The following lines will show the opinion which was formed of his character by the evangelical poet Cowper:—

'He loved the world, that hated him; the tear
That dropped upon his Bible was sincere:
Assailed by scandal and the tongue of strife,
His only answer was, a blameless life,—
And he that forged, and he that threw, the dart,
Had each a brother's interest in his heart.
Paul's love of Christ and steadiness unbribed,
Were copied close in him, and well transcribed:
He followed Paul—his zeal a kindred flame,
His apostolic charity the same;
Like him, crossed cheerfully tempestuous seas,
Forsaking country, kindred, friends, and ease;
Like him he laboured, and, like him, content
To bear it, suffered shame where'er he went.
Blush, Calumny! and write upon his tomb,
If honest Eulogy can spare thee room,
Thy deep repentance of thy thousand lies,
Which, aimed at him, have pierced th'offended skies
And say, Blot out my sin, confessed, deplored,
Against thine image in thy saint, O Lord!'

"Mr. Whitefield's letters, sermons, and controversial and other tracts, with an account of his life, were published in seven volumes, 8vo 1771."

The eloquence of Whitefield was of a high order. His voice was strong, clear, and perfectly under command. His style was marked with great simplicity; yet he made, in the language of dramatic criticism, as many *points* as he could in his discourses, such as would secure the attention of his audience. He was figurative; but his images all reflected nature with such accuracy, that the humblest capacity caught his meaning, and felt the effects of his illustrations. It was not the humble alone, who were pleased with his preaching. Many of the learned became his followers, and united in blazoning his fame. He was incessant in his labours to enlighten and direct the

Georgia. Whitefield, in his way, was as remarkable a personage as any of the founders of the colonies.

Oglethorpe, at the breaking out of the revolutionary war, was offered the command of the English army in America, after the return of General Gage. Oglethorpe was then a major-general in the service. He offered to accept the command, if he was authorized to assure the colonies that justice should be done them; but the command was given to Sir William Howe. General Oglethorpe died August, 1785, having seen the independence of the United States, at the great age of ninety-seven: probably at his death he was the oldest field officer in Europe. He enjoyed, while living, the reputation of being one of the most humane soldiers that ever bore arms.

In the year 1749, the colony was exposed to great danger from a quarter as unexpected as it was singu-

lars of his hearers. Frequently he preached three sermons a day for weeks together, and this while he was labouring under an asthmatic affection. Franklin speaks of the wonderful effects of his voice while preaching in the open air. Of the effects of his eloquence, the late learned and pious Lt. Governor Samuel Phillips, of Andover, Massachusetts used to relate the following anecdote:—Mr. Phillips's grandfather was a rigid Presbyterian preacher, and opposed to Whitefield's course; but, wishing to know if there was any truth in the stories of the effects produced by his eloquence, sent his son and his grandson to hear the orator. They reached the assembly, who were listening to Whitefield, without any partialities for the preacher. The two critics, in the bustle of the crowd, had been separated; and each, looking around for the other, when the sermon grew pathetic, found that their eyes met streaming with tears.

If Whitefield had many enemies, he had more friends, some of them of the first order of intellect. On one of his excursions through New York, New Jersey, and New England, he was accompanied by the Rev. Aaron Burr, then, or soon afterwards, president of Nassau Hall, the college at Princeton, New Jersey. Mr. Burr was one of the most learned and eloquent men of the age, and deservedly popular with all classes of people. He was mild and gentle in his preaching, which formed a fine contrast to the whirlwind of Whitefield's eloquence. It was a common saying in New England, that "Whitefield should first break the stubborn heart, and Burr should follow to heal the anguish of the penitent sufferer!" Burr had a clear, sweet voice, and modulated it with great felicity; but it had not sufficient compass for field-preaching, which he never attempted; but Whitefield's voice was fitted for the open field by its volume and extent.

Much has been said against field-preaching in this country, and there can be no doubt that many evils flow from it, and Mr. Whitefield has been charged with having first set the example. It is a fact, that cannot be denied, that he was the first who commenced this Druidical form of worship in the open air in later times; but he was sustained by primitive examples. The apostles had but few other places to teach their religion. The temples of the heathen gods were shut against them. They were obliged to use mountains and vales as temples where to teach their doctrines; for they did not erect edifices for public worship for ages. The first temple dedicated to Christian worship, was built at Tyre, on the site where once stood a heathen temple. The forms and ceremonies used at this consecration, contained all, and more, than are used in such services at the present day. If field-preaching should be discouraged in populous places, there being a sufficient number of churches and public edifices for all religious purposes, it is not so in a new country. In thinly-populated places, it is of great advantage to the community to become acquainted with each other; and it is much better for them to meet under religious sanctions than political excitements. In political meetings there is often drinking, carousing, and gambling; but in these religious meetings, there is no such thing. These camp-meetings are generally conducted with decorum and modesty, and no evils take place, except now and then a trifling violation of the English language, which does but little injury, and gives but little offence. These assemblies are social and affectionate. As they are attended by both sexes, there is a softening of manners by this intercourse; and many judicious matches are made, which serve to bring distant settlers to be friends and kindred to each other. In the hours which are not devoted to spiritual concerns, the public welfare is discussed, particularly those branches

lar. During the whole of his administration, General Oglethorpe had, from motives of policy, treated an Indian, or rather half-breed woman, called Mary Musgrove, afterwards Mary Bosomworth, with particular kindness and generosity. Finding that she had great influence among the Creeks, and understood their language, he made use of her as an interpreter, in order the more easily to form treaties of alliance with them; allowing her, for her services, one hundred pounds sterling a year. Thomas Bosomworth, who was chaplain to Oglethorpe's regiment, had married this woman, accepted a tract of land from the crown, and settled in the province. Being unsuccessful in most of his speculations, he had recourse to one of an extraordinary kind. He persuaded his wife to assert herself to be the elder sister to Mala-

of it which relate to schools and religious societies—and all is done in a Christian temper, for the ground, in their view, on which they stand, is holy. I am no fanatic, but I do not hesitate to confess, that I have spent many pleasant and instructive days in frontier camp-meetings, and feel it an incumbent duty to disabuse those who know them only by unfavourable report, and have therefore condemned them; and have also been desirous of vindicating the fame of the great father of field-preaching in America. He has not done any injury to morals by his example.

It would be unfair to judge of Whitefield's mental strength or eloquence by the sermons that pass as his. They were taken by inexperienced reporters, in short-hand, and then moulded to suit some tasteless fanatic. No man could have produced such effects as he is known to have done, by such sentiments and language as are found in these spurious sermons. There are some splendid passages still lingering in the memory of the aged, that are entirely unlike the disconnected and tasteless style in which these sermons are published. It is a slander upon a great man's fame, to change the *thoughts that breathe, and words that burn*, to jejune and vulgar language, and to make him talk with crudity and ignorance, who shook the nations by his eloquence.

It is now more than sixty-four years since his death; yet there are those, in various parts of the United States, still living, who date their first serious impressions from his eloquent sermons, and who have now a very vivid recollection of his person, manner, and voice.—Mr. Whitefield died at Newburyport, in the county of Essex, and commonwealth of Massachusetts, in September, 1770, and was buried in a tomb under the pulpit of the first Presbyterian church in that town. The pastor of that church, the Reverend Jonathan Parsons, soon followed his friend to another life, and, by his request, was laid by his side. The Reverend Mr. Prince, an interesting, pious, blind preacher, when dying, made the same request, and his remains were deposited there also. The tomb was then closed with a wall of brick, the Reverend John Murray, the successor of Mr. Parsons, expressing his wish to be placed in a common burying-ground. Here the ashes of the great field orator slumbered, without any monument to bear his name or record his deeds, until a few years since, when an opulent individual of that town, William Bartlett, Esq., caused a beautiful marble monument to be erected in the church under which Whitefield was buried, sacred to the memory of the Christian orator and pious divine.

These monuments, cold philosophy may say, are nothing to the dead. If that be true, they still teach the living many useful lessons. It is from history that we draw the information that we possess, and the wisdom which is the guide of life; and what is history but the records of the deeds of men who have departed from this scene of action, having finished their labours? The wise, as well as the rustic, require memorials to quicken the heart, and to lead the mind to the contemplation of a future state. An elegant monument, with just inscriptions, proves the state of the arts and of letters at the time it was erected,—and with letters and the arts is connected, in no small degree, the happiness of man. In the excess of modern philanthropy, it is often said, that money expended in building monuments to the dead, had served a better purpose, had it been given to the poor. He serves man best, who honestly employs him most. The labour requisite to erect a monument, is diffused through a hundred hands, and benefits the industrious labourer, and cherishes the genius who plans and gives the finishing touches of art to the work.

Malatche, the Indian chief, and to have descended, by a maternal line, from an Indian king, who held from nature the whole territory of the Creeks; and therefore to possess a right to them, superior not only to that of the trustees, but also to that of the king. Accordingly, Mary assumed the title of an independent empress, disavowing all subjection or allegiance to the king of Great Britain, otherwise than by way of treaty or alliance, such as one independent sovereign might voluntarily enter into with another; a meeting of all the Creeks was summoned, to whom Mary made a long speech, in which she set forth the justice of her claim, and the great injury she and her beloved subjects had sustained by the loss of their territories, and urged them to a defence of their rights by force of arms. The Indians were fired with rage at the idea of such indignity, and to a man pledged themselves to stand by her to the last drop of their blood in defence of her royal person and their lands; in consequence of which, queen Mary, escorted by a large body of her savage subjects, set out for Savannah, to demand from the president and council a formal acknowledgment of her rights in the province. A messenger was despatched, to notify to the president the royal family's approach, to say that Mary had assumed her right and title of sovereignty over the whole territories of the upper and lower Creeks, and to demand that all the lands south of Savannah river should be relinquished without loss of time; adding, that she was the hereditary and rightful queen of both nations, and could command the whole force of her tribe, and, in case of refusal, she had determined to extirpate the whole settlement. President Stephens and his council, alarmed at her high pretensions and bold threats, and sensible of her influence with the Indians, from her having been made a woman of consequence as an interpreter, were not a little embarrassed what steps to take for the public safety; they thought it best to use soft and healing measures, until an opportunity might offer of privately laying hold of her and shipping her off to England.

* The speech of the president at one of these conferences gives a very clear statement of the affair:—"Friends and brothers: When Mr. Oglethorpe and his people first arrived in Georgia, they found Mary, then the wife of John Musgrove, living in a small hut at Yamacraw; he had a license from the governor of South Carolina to trade with the Indians; she then appeared to be in a poor ragged condition, and was neglected and despised by the Creeks; but General Oglethorpe, finding that she could speak both the English and Creek languages, employed her as an interpreter, richly clothed her, and made her a woman of the consequence she now appears; the people of Georgia always respected her, until she married Bosomworth, but from that time she has proved a liar and a deceiver. In fact, she was no relation of Malatche, but the daughter of an Indian woman of no note, by a white man: General Oglethorpe did not treat with her for the lands of Georgia, for

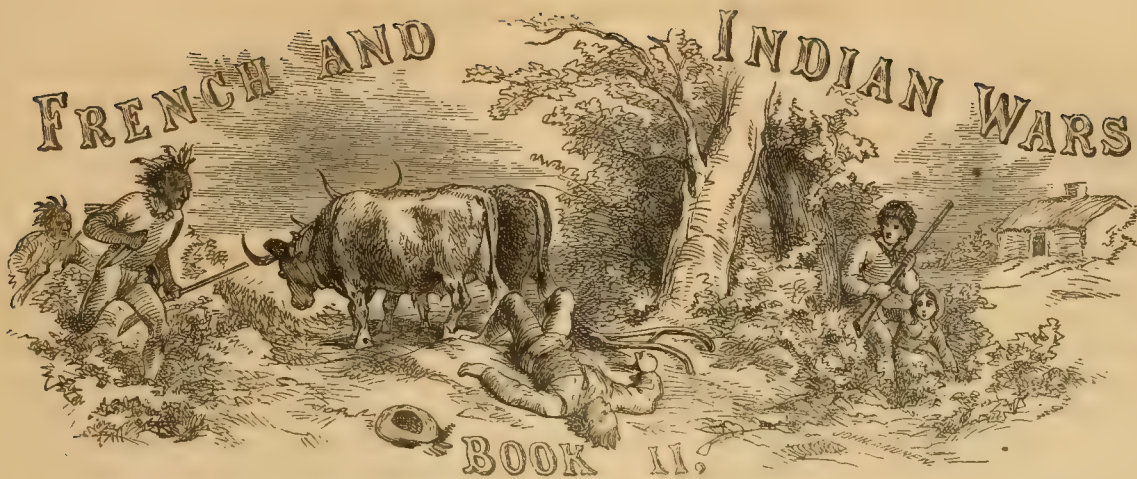
In the mean time, the militia were ordered to hold themselves in readiness to march to Savannah, at the shortest notice. The town was put in the best possible state of defence, but its whole force amounted to only one hundred and seventy men able to bear arms; a messenger was sent to Mary, while she was yet several miles distant from Savannah, at the head of her mighty host, to know whether she was serious in such wild pretensions, and to try the influence of persuasion to induce her to dismiss her followers, and drop her audacious design; but finding her inflexible and resolute, the president resolved to put on a bold countenance, and receive the savages with firmness. Several interviews between the magistrates and the Indian chiefs took place on this strange occurrence, and the president* and council were flattering themselves with the idea of an amicable compromise of all the existing difficulties, and rejoicing in the re-establishment of friendly intercourse with the Creeks, when Mary, excited with liquor, and disappointed in her royal views, rushed in amongst them like a fury, told the president that these were her people, that he had no business with them, and that he should soon be convinced of it to his cost. The president calmly advised her to retire to her lodgings, and forbear to poison the minds of the Indians, adding, that he would otherwise order her into close confinement; upon which, turning about to Malatche, in great rage, she repeated, with some ill-natured comments, what the president had said; Malatche started from his seat, laid hold of his arms, calling upon the rest to follow his example, and dared any man to touch the queen. The whole house was filled in a moment with tumult and uproar; every Indian having his tomahawk in his hand, the president and council expected nothing but instant death. During this confusion, Captain Jones, who commanded the guard, very seasonably interposed, and ordered the Indians immediately to surrender their arms, endeavouring, however, not merely to overawe them, but using prudence to avoid coming to extremities: with reluctance the

she had none; but with the old and wise leaders of the Creek nation, who voluntarily surrendered their territories to the king; the Indians at that time having much waste land, which was useless to themselves, parted with a share of it to their friends, and were glad that white people had settled among them, to supply their wants. He told them that the present discontents of the Creeks had been artfully infused into them by Mary, at the instigation of her husband; that he demanded a third part of the royal bounty, in order to rob the naked Indians of their rights; that he had quarrelled with the president and council of Georgia, for refusing to answer his exorbitant demands, and therefore had filled the heads of the Indians with wild fancies and groundless jealousies, in order to ferment mischief, and induce them to break their alliance with their best friends, who alone were able to supply their wants, and defend them against their enemies."

Indians submitted, and Mary was conveyed to a private room, where a guard was placed over her, and all further communication with the Indians denied her, during their stay in Savannah. Ultimately the *soi-disant* queen was compelled to abandon her pretensions, and the Indians were induced to depart, to the great joy of the inhabitants, who had been so long harassed by their turbulent visit.

The prosperity of the colony had been much retarded by the wars to which it had been subject, and by the mistaken though well-intentioned management of the trustees, who, embarrassing it by too much regulation, discouraged the emigrants, and checked its growth. Finding that the province languished under their care, and weary of the complaints of the people, in the year 1752 they surrendered their charter to the king, and it was made a royal government; in consequence of which, his

majesty appointed John Reynolds, an officer of the navy, governor of the province, and a legislature similar to that of the other royal governments in America. Great had been the expense which the mother country had already incurred, besides private benefactions, for supporting this colony; and small had been the returns yet made by it. The vestiges of cultivation were scarcely perceptible in the forest, and in England all commerce with it was neglected and despised. At this time the whole exports of Georgia did not amount to ten thousand pounds per annum. Though the people were now favoured with the same liberties and privileges enjoyed by their neighbours under the royal care, yet several years more elapsed before the value of the lands in Georgia was known, and that spirit of industry broke out in it, which afterwards diffused its happy influence over the country.



CHAPTER I.

FRENCH AND INDIAN WARS, A. D. 1756—1763.

THE formation and progress of all the colonies which constituted the North American republic at the era of its independence, have now been traced up to the middle of the eighteenth century. From that period circumstances tended rapidly to promote that federation which eventually effected the independence of the colonies, and laid the basis of their future prosperity; indeed, in the prosecution of the French war, which commenced in 1756, the energies of the colonies were so united in the attainment of one common object, that the generalization of their political history from that period is not only rendered preferable, but almost inevitable.

Before entering on the narrative of the war which was commenced by the French with the intention of limiting the English colonies in America to the vicinity of the sea coast, but which terminated in the transfer of by far the most extensive and valuable of their colonies to their rival, it is desirable to give a brief outline of the rise of the Gallic settlements, and of the relative position of the territories of the two nations previous to the commencement of hostilities.

The early discoveries of Cartier had turned the eyes of France towards the St. Lawrence and the neighbouring territory, and established her claim to it, according to that peculiar code by which Europeans have deemed it proper to apportion among themselves the rest of mankind. Although Canada had scarcely any measure of the smiling and luxuriant aspect of Florida, or even of Virginia, yet it opened into regions of vast extent; and the tracing to distant fountains the sea-like abyss of its waters, presented more than common attraction to curiosity and adventure. The first who undertook to colonize these northern regions, was a Breton, named De la Roche. He obtained from Henry IV. a patent of

the same extensive character as those granted in England to Gilbert and Raleigh. But so little sympathy did the nation exhibit in his views, that he was obliged to draw upon the jails for a great proportion of the sailors, and his effort proved an entire failure.

A more vigorous attempt was made by De Monts; but Champlain, his successor, must be regarded as the real founder of Canada, or New France. He built and fortified Quebec, and having brought the adjacent country into a tolerable state of cultivation, he proceeded to explore the vast wilderness by which he was surrounded. The southern bank, both of the river and lakes, was found occupied by two powerful people, the Algonquins and the Hurons, who were engaged in deadly and almost ceaseless warfare with the Iroquois, a still fiercer and more warlike tribe, occupying all the southern shore of the St. Lawrence, and of Lakes Erie and Ontario. To promote his subjects of discovery and of interior intercourse, Champlain determined to take an active part with the two former. The Iroquois allied themselves with the English, to whom they rendered most valuable, though sometimes fierce and revolting, assistance in their contest with their rivals. By arduous and persevering labours, Champlain was enabled to form an accurate idea of the extent and situation of Canada, which seemed to afford almost indefinite scope both for trade and settlement. The company under whose direction the affairs of Canada were placed, however, did not second the ardour of Champlain, and his interest at court procured the abrogation of their charter. From its ashes rose one on a much grander scale, and which aimed to convert New France into a colony of the first magnitude; but unfortunately for these projectors, the English, animated by that hostile feeling which was inspired by the persecution of the protestants, not only drove the French completely out of Acadia, but besieged and took Quebec, so that this boasted colony seemed for ever

lost to the mother country ; but the court of London, strongly inclined for peace with France, agreed, on the 29th of March, 1632, to a convention, by which her sovereignty was reinstated both in Acadia and Quebec.

For fifty years the attention of government was rather directed to the consolidation and internal improvement of the colony, than to exploring the expanse of interior America. The Count de Frontignac was, however, possessed of a more enterprising spirit. He extended the range of settlement to the shores of Lake Ontario, built there the fort that bears his name, and opened an intercourse with the tribes who roam over the boundless plains westward of the Alleghany. Here he learned that afar along the western plain there rolled a river so mighty, that even the hitherto unequalled stream of the St. Lawrence could not come into competition with it. This river poured its stupendous current not in any of the directions hitherto recognised in the streams of America, but towards some distant ocean, that lay far in the south and the west. In the existing darkness as to the boundaries and details of the continent, it was concluded that this could only be the Mer Vermeio, or Gulf of California, by which it was hoped that the long-sought-for passage might be found to the golden regions of India. The strongest motives, therefore, impelled the count to strain every effort for its discovery. Frontignac found no want of bold and fitting instruments. M. Jolyet undertook, with two little Indian bark canoes, and three men in each, to explore these unknown secrets of the great interior America. The expedition proceeded first through the already explored lakes of Erie and Michigan, till they reached the north-western extremity of the latter. Two Miamis undertook to be their guides up the Fox River, and to see them embarked on the Wiscousan, which fell into the Mississippi. The voyage down the Wiscousan, was easy and prosperous, and they saw it with exultation opening into that grand stream of which they were in search, the broad Mississippi, descending from its distant northern fountains to the unknown southern sea in which it was to terminate. The enterprising voyagers prosecuted their journey, impeded only by occasional intercourse with the native tribes inhabiting the banks of the Mississippi, which were generally friendly ; in a few days they heard from the right a mighty roar of waters, and saw trees and floating islands rushing down into the channel. This was the influx of the great Missouri from its distant source in the Rocky or Chippewayan Mountains, after a longer course, and with a larger body

of water than the Mississippi itself ; but it was a subject of regret that the channel, which before was clear and gentle, became now troubled, muddy, and rapid. At length they came to the Arkansas, at the mouth of the great river Arkansaw. Here they were informed, not with strict accuracy, that they were within five days' sail of the sea. On comparing this statement with their actual position, they became convinced that the Mississippi emptied itself into the gulf of Mexico, not as they had expected and hoped into the sea of California. Considering, therefore, that by proceeding downwards they might fall into the hands of Spaniards, they determined to return to Canada.

Subsequently La Salle, pursuing the same course, reached the Gulf of Mexico. He then returned to France, and procured the command of an expedition to effect a settlement at the mouths of the Mississippi ; but sailing too far westward, he missed his object, and while endeavouring to penetrate to the Mississippi by land, was basely assassinated by some of his own men ; and, of the whole colony, all perished except seven, who finally reached Canada. In 1699, a more successful attempt was made by Mr. D'Ibberville, who entered the Mississippi, and laid the foundation of the first French colony in Lower Louisiana. The place chosen for a settlement was near the mouth of the river Perdido, a very injudicious choice, from the unhealthiness of the climate and the barrenness of the soil. From these circumstances, together with the improper management of the royal governors, and the profligate character of many of the settlers, the progress of the colony was very slow. In the year 1717, the city of New Orleans was founded. The most romantic and extravagant accounts of the country were now published. It was represented as abounding in the precious metals, and as combining all the delights of the most favoured spots on earth. Thousands of emigrants were allured by these descriptions, most of whom perished miserably from sickness and want of food. Agriculture had made little progress, and the disposition of the majority of the settlers led them rather to assimilate their habits to those of the savages, than to pursue a regular course of industry. About the year 1730, its affairs began to wear a prosperous aspect ; the settlements were gradually extended up the Mississippi, and the productions of the country were exported to some profit.

Being in possession of the inland seas of Canada, as they are justly termed, and of the mouths of the grand receiver of most of the principal rivers of North America, the French conceived the bold idea of

uniting their northern and southern possessions by a chain of forts along the banks of the Ohio and Mississippi; and by that means also to confine the English colonists to the eastern side of the Alleghanies. In their northern colonies their military strength was considerable; Quebec and Montreal were strongly fortified; and at other points, Louisburg, Cape Breton, and the forts of Lake Champlain, Niagara, Crown Point, Frontignac, Ticonderoga, and several others, defended the frontiers. They had also erected a considerable fort at the junction of the Alleghany with the Monongahela, then called Du Quesne, but now forming the site of Pittsburgh, the Birmingham of America. The various scenes of hostility which, with different success, were almost perpetually occurring between the rival colonists, have, in a previous chapter, been related to the period when, for a short time, they were terminated by the peace of Aix la Chapelle. It remains now to record the events of the war which terminated the dominion of France in the northern, and by far most valuable, portion of her territories in America.

The grants of territory from the English crown were many of them from the coast of the Atlantic, westward to the Pacific Ocean. It is evident, therefore, that the plans of the French, in extending their forts and their claims from north to south, directly crossed the path of the English colonists, and must be viewed by them with a spirit of opposition and a determination to resist. They naturally felt their vast superiority in point of numbers, their colonies containing at this time upwards of a million inhabitants, while the population of Canada, Louisiana, and all the intermediate stations, scarcely exceeded fifty thousand. The immediate occasion of the interruption of the peace, which had endured only five years, was the alleged intrusion of the Ohio company, an association of influential men from England and Virginia, who had obtained a grant of six hundred thousand acres of land in the vicinity of the river whose title they assumed, embracing a portion of territory the French deemed to be within the limits of their dominion. From these grants of lands to the Ohio company, the governor of Canada apprehended, that the English were pursuing a scheme which might deprive the French of the advantages arising from the trade with the Twightees, and cut off the communication between Canada and Louisiana.* He had written to the governors of New York and

Pennsylvania, acquainting them that the English traders had encroached on the French territories by trading with their Indians, and that, if they did not desist, he should be obliged to seize them wherever found. This menace did not divert the Ohio company from prosecuting its design of surveying the country as far as the falls in Ohio River. While the survey was proceeding, a French party seized three British traders, and carried them to Presqu' Isle, on Lake Erie, where a strong fort was then erecting. The British, alarmed at this capture, retired to the Indian towns for shelter: and the Twightees, resenting the violence done to their allies, assembled, to the number of five or six hundred, scoured the woods, and finding three French traders, sent them to Pennsylvania. The French, determined to persist, built a second fort, about fifteen miles south of the former, on one of the branches of the Ohio; and another at the confluence of the Ohio and Wabash; and thus completed their long projected communication between the mouth of the Mississippi and the river St. Lawrence.

The Ohio company complaining loudly of these aggressions on the country which had been granted to them as part of the territory of Virginia, Robert Dinwiddie, lieutenant-governor of that colony, considering the encroachment as an invasion of his province, judged it his duty to demand, in the name of the king, that the French should desist from the prosecution of designs, which he considered as a violation of the treaties subsisting between the two crowns. This service, it was foreseen, would be rendered very fatiguing and hazardous, by the extensive tract of country, almost entirely unexplored, through which an envoy must pass, as well as by the hostile dispositions of some of the Indian inhabitants, and the doubtful attachment of others. Uninviting, however, and even formidable, as it was, George Washington, then in his twenty-second year, hesitated not to engage in it. Attended by one person only, he set out from Williamsburg on the 31st of October. The season was uncommonly severe, and the length of his journey was above four hundred miles, two hundred of which lay through a trackless desert, inhabited by Indians. On the 12th of December he arrived at a French fort, the head-quarters of M. Lagardier de St. Pierre, commanding officer on the Ohio, to whom he delivered the letter of Governor Dinwiddie. The chief officers retired to hold a

* M. Du Quesne, who succeeded M. de la Gallissiere in the government of Canada, having received instructions to take possession of the countries on the Ohio for the crown of France, in the beginning of 1753 ordered the Sieur de St. Pierre, with a de-

tachment, to take post on the river Aux Bœufs, and there to remain until he received farther orders. St. Pierre took post there accordingly, and erected a fort for its security. Of this, Mr. Dinwiddie, lieutenant-governor of Virginia, had early intelligence.

council of war; and Washington seized that opportunity of taking the dimensions of the fort, and making every possible observation. The answer of St. Pierre stated, that he had taken possession of the country by direction of the governor-general of Canada; that he would transmit Governor Dinwiddie's letter to him; and that to his orders he should yield implicit obedience.

This reply not being satisfactory to the governor, preparations were made in Virginia to maintain by force the rights of the British crown. Troops, constituting a regiment, were raised, the command of which, on the death of the colonel first appointed, was given to Mr. Washington. At the head of about four hundred men, he advanced early in the spring into the territory in dispute. On his route he met, attacked, and defeated, a French party, under the command of one Dijonville, who approached him in a manner indicating hostile intentions. He proceeded towards the fort Du Quesne, situate at the junction of the Alleghany and Monongahela. From this fort De Villier, at the head of nine hundred men, marched out to attack him. Hearing of the approach of this party, Colonel Washington halted, and hastily erected some imperfect works, by means of which he hoped to prolong his defence until the arrival of reinforcements. He was closely besieged by De Villier, but making an obstinate defence, was offered the most honourable terms of capitulation, which he accepted, and returned with his regiment to Virginia.

The proceedings of the French in America excited a strong interest in the minds of the British government; and deeming war inevitable, orders were sent to the governors of the several colonies to repel force by force, and to dislodge the French from their posts on the Ohio. These orders were accompanied with a recommendation to form a union of the colonies for more effective defence. Delegates had already been appointed to meet at Albany, for the purpose of conferring with the Five Nations; and Governor Shirley recommended that the subject of union should also be discussed at the convention. The commissioners from Massachusetts had ample powers to co-operate in the formation of a plan; those from Maryland were instructed to observe what others did; and those from New Hampshire, Rhode Island, Connecticut, Pennsylvania, and New York, had no instructions at all on the subject. As soon, however, as the friendship of the Indians was thought to be secured by a distribution of presents, the delegates appointed a committee to devise some scheme for the proposed confederation; and the committee recommended the adoption of a government analogous to

that of the individual colonies. There was to be a grand council, composed of deputies from the several provinces, and a president-general, appointed by the crown, with the power of negating the acts of the council. The Connecticut delegates, however, dissented from this plan, because it placed too preponderating a power in the hands of the crown. It was rejected by the British ministry for the very opposite reason; they suggested, however, that the several governors, with one or two of their counsellors, should meet and adopt such measures as the common safety might demand. But this scheme was defeated by a provision, that they might draw upon the British treasury for all necessary sums, which parliament would undertake to repay *by imposing a general tax upon the colonies*. The Massachusetts assembly sent special instructions to its agent in London to oppose most strenuously any measure which had for its object the establishment of taxes on the colonies, under whatever plea of utility; and Franklin, to whom the governor of Virginia had sent the proposition of the British minister, states most distinctly in his letter in reply, the reasons which would ever prevent the Americans from consenting to such a proposal. He observes, that it would inspire universal discontent among the Americans to attempt the imposition of taxes by a parliament where they were not represented, a point of which neither the colonies nor the British government ever lost sight, from this period till the contest it originated terminated in the entire separation of the former from its dependence on the British crown.

Early in the spring of 1755, the British government despatched General Braddock to America, with a respectable force to expel the French, and keep possession of the territory; and preparations having been made by France to despatch a reinforcement to her armies in Canada, Admiral Boscawen was ordered to endeavour to intercept the French fleet before it should enter the gulf of St. Lawrence. In April, General Braddock met the governors of the several provinces to confer upon the plan of the ensuing campaign. Three expeditions were resolved upon; one against Du Quesne, to be commanded by General Braddock; one against forts Niagara and Frontenac, to be commanded by Governor Shirley; and one against Crown Point, to be commanded by General Johnson. This last originated with Massachusetts, and was to be executed by colonial troops raised in New England and New York.

While preparations were making for these expeditions, another, which had been previously concerted, was carried on against the French forts in Nova Sco-



tia. This province was settled by the French, but was ceded to the English by the treaty of Utrecht. Its boundaries not having been defined, the French continued to occupy a portion of the territory claimed by the English, and had built forts for their defence. To gain possession of these was the object of the expedition. About two thousand militia, commanded by Colonel Winslow, embarked at Boston; and being joined on their passage by three hundred regulars, arrived in April at the place of their destination. The forts were invested, the resistance made was trifling and ineffectual, and in a short time the English gained entire possession of the province, according to their own definition of its boundaries. Three only of their men were killed.

As soon as the convention of governors was dissolved, General Braddock proceeded to the post at Well's Creek, whence the army commenced its march about the middle of June. Their progress was very much retarded by the necessity of cutting a road; and, lest the enemy should have time to collect in great force, the general concluded to set forward with twelve hundred select men, while Colonel Dunbar should follow slowly in the rear, with the main body and the heavy baggage. Colonel Washington's regiment had been split into separate companies, and he had only joined the army as aid to the general. The roughness of the country prevented the advanced corps from reaching the Monongahela till the 8th of July. It was resolved to attack Du Quesne the very next day; and lieutenant-colonel Gage was sent in front with three hundred British regulars, while the general himself followed at some distance with the main body. He had been strongly cautioned by Colonel Washington to provide against an ambuscade, by sending forward some provincial companies to scour the woods; but he held the provincials and the enemy in equal contempt. The Monongahela was crossed the second time, about seven miles from Du Quesne; and the army was pressing forward in an open wood, through high and thick grass, when the front was suddenly thrown into disorder by a volley from small arms. The main body was formed three deep, and brought to its support: the commander-in-chief of the enemy fell; and a cessation of the fire led General Braddock to suppose that the assailants had fled; but he was soon attacked with redoubled fury. Concealed

behind trees, logs, and rocks, the Indians poured upon the troops a deadly and incessant fire; officers and men fell thickly around, and the survivors knew not where to direct their aim to revenge their slaughtered comrades. The whole body was again thrown into confusion; but the general, obstinate and courageous, refused to retreat; and instead of withdrawing them beyond the reach of the enemy's muskets, where their ranks might easily have been formed anew, undertook to rally them on the very ground of attack, and in the midst of a most incessant and deadly fire. He persisted in these efforts until three horses had been shot under him, and every one of his officers on horseback, except Colonel Washington, was either killed or wounded. The general at length fell, and the rout became universal.* The troops fled precipitately until they met the division under Dunbar, then forty miles in the rear. Sixty-four officers out of eighty-five and about half of the privates were killed or wounded. General Braddock died in Dunbar's camp; and the whole army, which appears to have been panic struck, marched back to Philadelphia. The provincial troops, whom Braddock had so lightly esteemed, displayed during the battle the utmost calmness and courage. Though placed in the rear, they alone, led on by Washington, advanced against the Indians, and covered the retreat; and had they at first been permitted to engage the enemy in their own way, they would easily have defeated them.

The two northern expeditions, though not so disastrous, did not either of them succeed in attaining the object proposed. In that against Crown Point much delay was occasioned by the distracted councils of so many different governments; and it was not till the last of August, that General Johnson, with three thousand seven hundred men, arrived at the fort of Lake George, on his way to Ticonderoga. Meanwhile the French squadron had eluded Admiral Boscawen; and, as soon as it arrived at Quebec, Baron Dieskau, the commander, resolved to march against Oswego with his own twelve hundred regulars, and about six hundred Canadians and Indians. The news of General Johnson's movement determined Dieskau to change his plan, and to lead his forces directly against the American camp. General Johnson called for reinforcements: eight hundred troops, raised as a corps of reserve by

* Braddock was mortally wounded, and taken on sashes, at first, from the field, and then a litter was made for him, on which he was carried forty miles from the battle ground, where he expired on the evening of the fourth day after his defeat. Seven hundred of his men were killed, among whom were William Shirley, of the staff, and Col. Sir Peter Halket. Among the wounded

were Robert Orme, Roger Morris, Sir John St. Clair, and several others of the staff, and Lieut. Cols. Button and Gage. Braddock was a brave and excellent officer. His mistake was in not studying the character of the enemy. Franklin advised him to proceed with the utmost caution; but the proud general thought the adviser was a much better philosopher than soldier.—*Am. Ed.*

Massachusetts, were immediately ordered to his assistance; and the same colony undertook to raise an additional number of two thousand men. Colonel Williams was sent forward with one thousand men to amuse and reconnoitre the enemy. He met them four miles from the camp, offered battle, and was defeated.* Another detachment shared the same fate; and the French were now within one hundred and fifty yards of the camp, when a halt for a short time enabled the Americans to recover their alarm, and to make good use of their artillery through the fallen trees, behind which they were posted. Dieskau advanced to the charge; but he was so firmly received, that the Indians and militia gave way and fled: he was obliged to order a retreat of the regulars; and, in the ardent pursuit which ensued, he was himself mortally wounded and made prisoner.† A scouting party had, in the mean time, taken the enemy's baggage; and when the retreating army came up, they attacked it so successfully from behind the trees, that the panic-struck soldiers dropped all their accoutrements, and fled in the utmost confusion for their posts on the lakes.‡ This victory revived the spirits of the colonists, depressed by the recent defeat of General Braddock, but the success was not improved in any proportion to their expectation. General Shirley, now the com-

* Hendrick, a Mohawk chief, was killed in this battle. He was the son of a Mohegan chief, by a Mohawk woman. He married into a Mohawk family, and became distinguished among the six nations. His fame extended to Massachusetts, for the commissioners, in 1751, consulted him on the great question of instructing certain youths of his nation. He was friendly to the English; and in this battle with Dieskau, he commanded three hundred Mohawks. He was grave and sententious in council, and brave in fight. Some of his aphorisms are as wise as those of Solon. When it was proposed to send a detachment to meet the enemy, and the number being mentioned, he replied: "If they are to fight, they are too few; if they are to be killed, they are too many." When it was proposed to send out the detachment in three parties, Hendrick took three sticks, and said, "put them together, and you can not break them; take them one by one, and you will break them easily." They followed the advice of the old warrior in this; and had they regarded the precautions he suggested, in scouring the field by a flank guard, Williams would not have fallen into the ambuscade. Hendrick is remembered among the friends of white men, who now and then have been found in the different ages of our history, among Indians.—*Am. Ed.*

† John Harmand Dieskau, baron, was a lieutenant general in the French army. In 1755, he left Montreal with twelve hundred regulars, and six hundred Canadians and Indians. General Johnson, with three thousand seven hundred men, arrived at the fort of Lake George, on his way to Ticonderoga. Baron Dieskau, hearing of this movement of General Johnson, instead of proceeding to Albany, as was his original intention, resolved to attack the American camp. A reinforcement of eight hundred troops was sent to General Johnson's assistance; and Colonel Williams, with one thousand men, was ordered to reconnoitre the enemy. He met the enemy, but was defeated, and left among the slain. The loss of the French was also considerable; M. St. Pierre, commander of the Indians, was mortally wounded. On the same day, the 8th of September, Baron Dieskau appeared in view of Colonel

mander-in-chief, urged an attempt on Ticonderoga; but a council of war judging it unadvisable, Johnson employed the remainder of the campaign in fortifying his camp. On a meeting of commissioners from Massachusetts, and Connecticut, with the governor and council of New York, in October, it was unanimously agreed, that the army under General Johnson should be discharged, excepting six hundred men, who should be engaged to garrison Fort Edward and Fort William Henry. The French still retained possession of Ticonderoga, and fortified it.

General Shirley,§ who was to conduct the expedition against Niagara and Fort Frontignac, experienced such delays, that he did not reach Oswego until the 21st of August. On his arrival, he made all necessary preparations for the expedition to Niagara; but, through the desertion of batteau men, the scarcity of wagons on the Mohawk River, and the desertion of sledgemen at the great carrying place, the conveyance of provisions and stores was so much retarded, that nearly four weeks elapsed before he could commence any further operations; and from a continued succession of adverse circumstances, in a council of war called on the 27th of September, it was unanimously resolved to defer the expedition to the succeeding year; to leave Colonel

Johnson's army, which was encamped on the banks of Lake George, defended on each side by a woody swamp. The Americans having recovered from the alarm which their first disaster had thrown them into, and being stationed behind some fallen trees, their superior situation enabled them to make good use of their artillery. Dieskau, encouraged by his previous success, advanced boldly to the charge; but his Indians, more accustomed to the tomahawk and scalping knife, than to the roar of cannon, fled in dismay. His auxiliary troops being so dispersed, he was obliged to order a retreat of the regulars. In the pursuit which followed, he was himself wounded. A soldier, seeking for plunder, found Dieskau alone, deserted by his troops, leaning on the stump of a tree, unable to move from a wound in his leg. While he was searching for his watch, to deliver to him, the soldier supposing he was seeking for a pistol, poured a charge through his hips. He was conveyed to New York, where he was attended by Dr. Jones. He never entirely recovered from the wound, which gradually impaired his constitution, and he died in consequence of it, at Surene, in France, September 8th, 1767. He was unquestionably a general of military skill.—*Ibid.*

‡ General Phineas Lyman was second in command in this battle. He was a brave man, of far superior abilities to Johnson; and when the commander in chief was wounded, General Lyman took the command, and fought out the battle most gallantly. Lyman was a man of first rate talents and education, a lawyer, and a statesman. He sustained himself for five hours, on that day, and gave his orders like a veteran soldier; but Johnson never mentioned his name in his account of the battle, from a most despicable feeling of jealousy. Lyman continued for several campaigns to command the Connecticut troops, and won laurels in every situation. The close of his life was dark and sad; but his honour was never tarnished.—*Ibid.*

§ Shirley was a good lawyer, and a brave officer. He was a man of literary taste and acquisitions. He published a tragedy, and some other dramatic works.—*Ibid.*

Mercer at Oswego, with a garrison of seven hundred men, and to build two additional forts for the security of the place; while the general should return with the rest of the army to Albany. Thus ended the campaign of 1755: it opened with the brightest prospects; immense preparations had been made, yet not one of the objects of the three principal expeditions had been attained; and by this failure the whole frontier was exposed to the ravages of the Indians, which were accompanied by their usual acts of barbarity.

The colonies, however, far from being discouraged by the misfortunes of the last campaign, determined to renew and increase their exertions. General Shirley, to whom the superintendence of all the military operations had been confided, assembled a council of war at New York to concert a plan for the ensuing year. The plan adopted by the council embraced expeditions against Du Quesne, Niagara, and Crown Point, and the despatching a body of troops by way of the rivers Kennebeck and Chaudiere, to create alarm for the safety of Quebec. Major-General Winslow* was appointed to lead the expedition against Crown Point. He was a popular officer, and the colonists felt a deep interest in the expedition; but, for want of an established financial system, (their only taxes were upon lands and polls,) the requisite funds were raised with difficulty, and the recruiting service made very slow progress. Only seven thousand men assembled at the posts on Lake George. General Winslow declared, that, without more forces, he could not undertake the expedition; and it would probably have been abandoned, had he not been reinforced by the timely arrival of some British troops. They came over with General Abercrombie, who had superseded General Shirley, and who soon after gave place to the Earl of Loudoun. These changes produced some unpleasant contests for priority of rank. General Winslow asserted frankly, that the provincials would never be commanded by British officers; and the Earl of Loudoun seriously propounded the question, whether the colonial troops, with his majesty's arms in their hands, would refuse obedience to his majesty's commanders? He was answered in the affirmative; and when he understood that the New England troops, in particular, had enlisted under the condition of being led by their own officers, he agreed to let those troops act separately.

While the English were adjusting these differences, and debating whether it would be expedient to attack Fort Niagara, or Fort Du Quesne, Montcalm, the successor of Dieskau, marched against Oswego with about five thousand French, Canadians, and Indians. His artillery played with such effect upon the fort, that it was soon declared untenable; and to avoid an assault, the garrison, who were sixteen hundred in number, and had stores for five months, surrendered themselves prisoners of war. The fort had been an object of considerable jealousy to the Five Nations; and Montcalm made a wise use of his conquest by demolishing it in their presence. The English and American army was now thrown upon the defensive. Instead of attacking Ticonderoga, General Winslow was ordered to fortify his own camp; Major-general Webb, with fourteen hundred regulars, took post near Wood Creek; and Sir William Johnson, with one thousand militia, was stationed at the German Flats. The colonists were now called upon for reinforcements; and, as parliament had distributed among them one hundred and fifteen thousand pounds for the last year's expenses, they were enabled to answer the call with perhaps more promptitude than was anticipated. The recruits were on their way to the camp, when intelligence of the small-pox at Albany frightened them home again. The other provincials were equally alarmed; and all, except a New York regiment, were dismissed. Thus terminated the second campaign. The expedition up the Kennebeck had been abandoned; that against Niagara was not commenced; and not even a preparation had been made for that against Du Quesne.

At the commencement of the following year a council was held at Boston, composed of Lord Loudoun, and the governors of the New England provinces and of Nova Scotia. At this council his lordship proposed that New England should raise four thousand men for the ensuing campaign; and that a proportionate number should be raised by New York and New Jersey. These requisitions were complied with; and in the spring his lordship found himself at the head of a very considerable army. Admiral Holbourn arriving in the beginning of July at Halifax with a powerful squadron, and a reinforcement of five thousand British troops, under George Viscount Howe, Lord Loudoun sailed from New York with six thousand regulars, to join those troops at the place of their arrival. Instead of the complex

* Winslow was a grandson of the second governor of Plymouth, of that name. He was engaged as a captain in the expedition to Cuba, in 1740; as a major-general in the expeditions to Kennebec, Nova Scotia, and Crown Point, in the Spanish wars. The bold

stand he took in favour of the militia at that time, has been quoted as a precedent since, and endeared his name to every lover of military honour.—*Am. Ed.*

operations undertaken in previous campaigns, his lordship limited his plan to a single object. Leaving the posts on the lakes strongly garrisoned, he resolved to direct his whole disposable force against Louisbourg; Halifax having been determined on as the place of rendezvous for the fleet and army destined for the expedition. Information was, however, soon received, that a French fleet had lately sailed from Brest; that Louisbourg was garrisoned by six thousand regulars, exclusive of provincials; and that it was also defended by seventeen line of battle ships, which were moored in the harbour. There being no hope of success against so formidable a force, the enterprise was deferred to the next year; the general and admiral on the last of August proceeded to New York; and the provincials were dismissed.

The Marquis de Montcalm, availing himself of the absence of the principal part of the British force, advanced with an army of nine thousand men, and laid siege to Fort William Henry. The garrison at this fort consisted of between two and three thousand regulars, and its fortifications were strong* and in very good order; and for the additional security of this important post, General Webb was stationed at Fort Edward with an army of four thousand men. The French commander, however, urged his approaches with such vigour, that, within six days after the investment of the fort, Colonel Monro, the commandant, having in vain solicited succour from General Webb, found it necessary to surrender by capitulation. The garrison was to be allowed the honours of war, and to be protected against the Indians until within the reach of Fort Edward; but the next morning, a great number of Indians having been

permitted to enter the lines, began to plunder; and meeting with no opposition, they fell upon the sick and wounded, whom they immediately massacred. Their appetite for carnage being excited, the defenceless troops were attacked with fiend-like fury. Monro in vain implored Montcalm to provide the stipulated guard, and the massacre proceeded. All was turbulence and horror. On every side savages were butchering and scalping their wretched victims. Their hideous yells, the groans of the dying, and the frantic shrieks of others shrinking from the uplifted tomahawk, were heard by the French unmoved. The fury of the savages was permitted to rage without restraint until fifteen hundred were killed, or hurried captives into the wilderness. The day after this awful tragedy, Major Putnam was sent with his rangers to watch the motions of the enemy. When he came to the shore of the lake, their rear was hardly beyond the reach of musket shot. The prospect was horrible in the extreme; the fort demolished; the barracks and buildings yet burning; innumerable fragments of human carcasses still broiled in the decaying fires; and dead bodies, mangled with tomahawks and scalping knives, in all the wantonness of Indian barbarity, were every where scattered around. Who can forbear exclaiming with the poet,

"Man is to man the surest, sorest ill!"

Thus ended the third campaign† in America; happily forming the last series of disasters resulting from folly and mismanagement, rather than from want of means and military strength. The successes of the French left the colonies in a gloomy state. By the acquisition of Fort William Henry, they had obtained full possession of the lakes Champlain and

* This is a great mistake; the fort was built merely as a defence against Indians, and was entirely unfit for a siege, by a power who had the command of ordnance. The fort was not abandoned until the last shot they had was fired. The conduct of the brave and gallant Montcalm, is inexplicable. Could not such a general, with so many regular troops, have restrained the Indians? His reputation was without stain until that hour. Some of the disarmed and wretched troops were compelled to make resistance, and wrenched the arms from their assailants, and defended themselves with desperation. There are blood-stained pages in history we could wish were not there. This is one of them.—*Am. Ed.*

† While the army was in winter quarters, a circumstance occurred which exhibits the watchful jealousy the colonists ever exercised over their liberties. "The general court had provided barracks on Castle Island, for a regiment of Highlanders, which had been expected at Boston. Some recruiting officers soon afterwards arrived at Nova Scotia; and, protesting that their regiments would never be filled up if the men must be lodged in these barracks, they required the justices of the peace to furnish quarters, according to the act of parliament. The justices denied that the act of parliament extended to this country. Lord Loudoun wrote the court a letter, and asserted roundly that it did; that, moreover, he had 'used gentleness and patience' long enough; and that unless the requisitions were complied with in forty-eight hours from the receipt of his letter, he should be 'under the necessity' of ordering

'into Boston the three battalions from New York, Long Island, and Connecticut; and if more were wanting, he had two in the Jerseys at hand, besides those in Pennsylvania.' The general court now passed an act very similar to that of parliament, on the subject of recruits; but it did not fully answer Lord Loudoun's expectations, nor did he fail to let them know it in a second epistle. The answer of the general court was merely a reiteration of what we have so often heard from the same body. They asserted their rights as Englishmen; said they had conformed to the act of parliament as nearly as the case would admit; and declared that it was their misfortune, if a strict adherence to their duty should give offence to Lord Loudoun. He, in turn, applauded the zeal of the province in the service of his majesty, affected to rely on its compliance with his wishes, and countermanded his orders for the march of the troops. The general court sent his excellency a conciliatory message, in which they asserted that they were entirely dependent on parliament; that its acts were the rule of all their judicial proceedings; that its authority had never been questioned; and that if they had not made this avowal 'in times past, it was because there had been no occasion for it.' Judge Marshall seems to think that this language was sincere, but Mr. Minot attributes it to the desire of the court to keep friends with parliament till they were reimbursed for the expenses which they had incurred during the war. The truth is probably between the two opinions."—Sanford's Hist. of the United States, p. 145, 146.

George; and by the destruction of Oswego, they had acquired the dominion of those other lakes which connect the St. Lawrence with the waters of Mississippi. The first afforded the easiest admission from the northern colonies into Canada, or from Canada into those colonies; the last united Canada to Louisiana. By the continued possession of Fort Du Quesne, they preserved their ascendancy over the Indians, and held undisturbed control of all the country west of the Alleghany mountains. The British nation was alarmed and indignant, and the king found it necessary to change his councils. At the head of a new ministry, he placed the celebrated William Pitt, afterwards earl of Chatham, who was raised by his talents from the humble post of ensign in the guards to the control of the destinies of a mighty empire; under his administration public confidence revived, and the nation seemed inspired with new life and vigour.* He was equally popular in both hemispheres; and so promptly did the governors of the northern colonies obey the requisitions of his circular letter of 1757, that by May, in the following year, Massachusetts had seven thousand, Connecticut five thousand, and New Hampshire three thousand troops, prepared to take the field. The zeal of Massachusetts was particularly ardent. The people of Boston supported taxes which took away two thirds of the income on real estate; one half of the effective

men in the province were on some sort of military duty; and the transports for carrying the troops to Halifax were ready to sail in fourteen days from the time of their engagement. The mother country was not less active. While her fleets blockaded or captured the French armaments, she despatched Admiral Boscawen to Halifax with a formidable squadron of ships, and an army of twelve thousand men. Lord Loudoun was replaced by General Abercrombie, who, early in the spring of 1758, was ready to enter upon the campaign at the head of fifty thousand men, the most powerful army ever seen in America.

Three points of attack were marked out for this campaign; the first, Louisbourg; the second, Ticonderoga and Crown Point; and the third, Fort Du Quesne. On the first expedition Admiral Boscawen sailed from Halifax on the 28th of May, with a fleet of twenty ships of the line and eighteen frigates, and an army of fourteen thousand men, under the command of General Amherst, and arrived before Louisbourg on the 2d of June. The garrison of that place, commanded by the Chevalier de Drucourt, an officer of courage and experience, was composed of two thousand five hundred regulars, aided by six hundred militia. The harbour being secured by five ships of the line, one fifty gun ship, and five frigates, three of which were sunk across the mouth of the basin, it was found necessary to land at some distance from

* "William Pitt, earl of Chatham, one of the most able and successful ministers that England ever possessed, was born November 15, 1708, and was the son of Robert Pitt, Esq., of Boconnock, in Cornwall. His education he received at Eton, and at Trinity College, Oxford. His entrance into public life was as a cornet of horse; and in 1735, through the influence of the duchess dowager of Marlborough, he was returned to parliament, as member for Old Sarum. He subsequently sat for Seaford, Aldborough, and Bath. As a senator, he soon rendered himself so obnoxious to Walpole, that the minister, with equal injustice and impolicy, deprived him of his commission. This unconstitutional act only enhanced his popularity, and sharpened his resentment. After having been ten years in opposition, he was, early in 1746, appointed joint-vice-treasurer of Ireland; and, in the same year, treasurer and paymaster general of the army, and a privy counsellor. During his treasurership, he invariably refused to benefit by the large balances of money which necessarily remained in his hands. In 1755, he was dismissed; in 1756, he obtained a brief reinstatement in power, as secretary of state, and was again dismissed; but, in 1757, defeat and disgrace having fallen on the country, the unanimous voice of the people compelled the sovereign to place him at the head of the administration. Under his auspices, Britain was, during four years, triumphant in every quarter of the globe. Thwarted in his measures, after the accession of George III., he resigned, in October, 1761, an office which he could no longer hold with honour to himself, or advantage to the nation. A pension was granted to him, and his wife was created a baroness. On the downfall of the Rockingham administration, Pitt was appointed lord privy seal, and was raised to the peerage, with the title of earl of Chatham. He acquired no glory as one of the new and ill-assorted ministry, and he withdrew from it in November, 1768. Though suffering severely from gout, he continued to speak in parliament upon all important questions. The American war, in particular, he opposed with all his wonted vigour and talent. On

the 8th of April, 1778, while rising to speak in the house of lords, he fell into a convulsive fit, and he expired on the 11th of the following May. He was interred, and a monument raised to him, in Westminster Abbey, at the public expense; and a perpetual annuity of 4000*l.* was granted to his heirs. Some short poems, and a volume of letters to his nephew, have appeared in print. The character of Lord Chatham is thus ably summed up by Grattan: 'There was in this man something that could create, subvert, or reform; an understanding, a spirit, and an eloquence, to summon mankind to society, or to break the bonds of slavery asunder, and to rule the wilderness of free minds with unbounded authority; something that could establish or overwhelm empire, and strike a blow in the world that should resound through the universe.'

In America, his name was held in the highest estimation. Every patriot did him honour. Country signs bore his semblance, or something the people thought like his noble features. In the town of Dedham, in Massachusetts, Nathaniel Ames, the father of the great orator, Fisher Ames, a physician, philosopher, and mathematician, erected a granite column to his memory, and surmounted it by a bust of the great friend to liberty. It was thrown down by time, and suffered to lie in neglect for many years; but it has since been renovated, and stands now a monument to departed genius and patriotism. "His eloquence formed an era in our language;" and the fire he breathed into the soul of freedom, has not, and we trust never will, be extinguished. Genius, united to letters and patriotism, can never die. We forgive his last act; it was one of feeling and of national pride. Lord Chatham aided the projectors of canals with his whole soul, while politicians thought he had better have been doing almost any thing else; but his sagacity has been proved by the wonderful advantages which have resulted to the nation from canals. Grattan should have added, that he foresaw the resources of the nation, and commenced their development; if not so rhetorical, it would have been literally true; and even the beauty of prophecy is its fulfilment.—*American Editor.*

the town. This being effected, and the artillery and stores brought on shore, General Wolfe was detached with two thousand men to seize a post occupied by the enemy at the Lighthouse Point, from which the ships in the harbour, and the fortifications in the town, might be greatly annoyed. On the approach of that gallant officer, the post was abandoned by the enemy, and several very strong batteries were erected there by their opponents. Approaches were also made on the opposite side of the town, and the siege was pressed with resolution and vigour, though with great caution. A very heavy cannonade being kept up against the town and the vessels in the harbour, a bomb was at length set on fire and blew up one of the largest ships, and the flames were communicated to two others, which shared the same fate. The English admiral now sent six hundred men in boats into the harbour, to make an attempt on two ships of the line which still remained in the basin; one of which, being aground, was destroyed, the other was towed off in triumph. This gallant exploit, putting the English in complete possession of the harbour, and several breaches being made practicable in the works, the place was deemed no longer defensible, and the governor offered to capitulate. It was required that the garrison should surrender as prisoners of war. These humiliating terms, though at first rejected, were afterwards acceded to; and Louisbourg, with all its artillery, provisions, and military stores, as also Island Royal, St. John's, and their dependencies, were placed in the hands of the English, who, without farther difficulty, took possession of the island of Cape Breton. The conquerors found two hundred and twenty-one pieces of cannon, and eighteen mortars, with a very large quantity of stores and ammunition. The inhabitants of Cape Breton were sent to France in English ships; but the garrison, sea officers, sailors, and marines, amounting collectively to nearly six thousand men, were carried prisoners to England.

The armies destined to execute the plans against Ticonderoga and Fort Du Quesne were appointed to rendezvous respectively at Albany and Philadelphia. The first was commanded by General Abercrombie, and consisted of upwards of fifteen thousand men, attended by a formidable train of artillery. On the 5th of July, the general embarked his troops on Lake

George, on board of one hundred and twenty-five whale boats, and nine hundred batteaux, and commenced operations against Ticonderoga. After debarkation at the landing place in a cove on the west side of the lake, the troops were formed into four columns, the British in the centre, and the provincials on the flanks. In this order they marched toward the advanced guard of the French, which, consisting of one battalion only, posted in a logged camp, destroyed what was in their power, and made a precipitate retreat. While Abercrombie was continuing his march in the woods towards Ticonderoga, the columns were thrown into confusion, and in some degree entangled with each other. At this juncture, Lord Howe, at the head of the right centre column, fell in with a part of the advanced guard of the enemy which had been lost in the wood in retreating from Lake George, and immediately attacked and dispersed it, killing a considerable number and taking one hundred and forty-eight prisoners. This success was, however, dearly purchased, by the loss of the gallant nobelman who fell in leading the attack.* The English army, without further opposition, took possession of a post within two miles of Ticonderoga. Abercrombie, having learned from the prisoners the strength of the enemy at that fortress, and from an engineer the condition of their works, resolved on an immediate storm, and made instant disposition for an assault. The troops having received orders to march up briskly, rush upon the enemy's fire, and reserve their own till they had passed a breastwork, marched to the assault with great intrepidity. Unlooked for impediments, however, occurred. In front of the breastwork, to a considerable distance, trees had been felled with their branches outward, many of which were sharpened to a point, by means of which the assailants were not only retarded in their advance, but, becoming entangled among the boughs, were exposed to a very galling fire. Finding it impracticable to pass the breastwork, which was eight or nine feet high, and much stronger than had been represented, General Abercrombie, after a contest of near four hours, ordered a retreat, and the next day resumed his former camp on the south side of Lake George. In this brave but ill-judged assault nearly two thousand of the assailants were killed and wounded, while the loss of the enemy, who were covered

* George Howe, lord-viscount, was commander of 5000 British troops in America, and was the most popular of all the leaders of the British armies, in the conflicts with France. When Abercrombie made his attack on Ticonderoga, he led the van-guard, and fell at the first fire. He was admired by all the provincials. Old Stark, the hero of Bennington, who knew him well, feared that he should not have been a true whig, in the revolution, if Lord Howe

had been alive. His death was mourned as a public calamity, and the Americans seemed to lose their spirit in his fall. The good people of Massachusetts caught the infection of grief from the soldiers, and erected a monument, by permission, for their admired general, in Westminster Abbey, at their own expense, of two hundred and fifty pounds sterling. It is still standing in Westminster Abbey.—*Am. Ed.*

during the whole action, was inconsiderable. General Abercrombie immediately re-crossed Lake George, and entirely abandoned the project of capturing Ticonderoga.*

The campaign was not destined, however, to close with such ill-success. Colonel Bradstreet proposed an expedition against Frontignac; a fort which, by being placed on the north side of the St. Lawrence, just where it issues from Lake Ontario, was the key to the communication between Canada and Louisiana. It served also to keep the Indians in subjection, and was the general repository of stores for the enemy's western and southern posts. Late in the evening of the 25th of August, Colonel Bradstreet landed within a mile of the place, with three thousand men, eight pieces of cannon, and three mortars. The French had not anticipated an attack at this point, and the garrison consisted of only one hundred and ten men, with a few Indian auxiliaries. It was impossible to hold out long. Colonel Bradstreet posted his mortars so near the fort, that every shell took effect; and the commander was very soon obliged to surrender at discretion. The booty consisted of sixty pieces of cannon, great numbers of small arms, provisions, military stores, goods to a large amount, and nine armed vessels of from eight to eighteen guns. Colonel Bradstreet destroyed the fort and vessels, re-crossed the Ontario, and returned to the army.

Had it not been for this fortunate enterprise, the unaccountable delay in preparing the expedition against Du Quesne would probably have left that fort a third time in possession of the enemy. It was not until June that the commander, General Forbes, set out from Philadelphia; it was September, before Colonel Washington, with the Virginia regulars, was ordered to join the main body at Ray's Town; and, owing to the difficulties of cutting a new road, it was as late as November, when the army appeared before Du Quesne. The garrison, deserted by the Indians, and without adequate means of defence, had

escaped down the Ohio the evening before the arrival of the British, who had only to taken possession, therefore, in the king's name. The fort was supplied with a new garrison, and the name changed to Pittsburg. The Indians, as usual, joined the strongest side. A peace was concluded with all the tribes between the Ohio and the lakes; and the frontier inhabitants of Pennsylvania, Maryland, and Virginia, were once more relieved from the terrors of fire and scalping knives.

The campaign of 1758 was highly honourable to the British arms, and the results of it very important. Of the three expeditions, two had completely succeeded, and the leader of the third had made an important conquest. To the commanding talents of Pitt, and the confidence which they inspired, this change of fortune must be chiefly attributed; and in no respect were these talents more strikingly displayed than in the choice of men to execute his plans. The advantages of this campaign had, however, been purchased by an expensive effort and corresponding exhaustion of provincial strength; and, when a circular letter from Mr. Pitt to the several governors induced the colonies to resolve upon making the most vigorous preparations for the next, they soon discovered that their resources were by no means commensurate with their zeal.

Notwithstanding these difficulties, it was resolved to signalize the year 1759 by the complete conquest of Canada. The plan of the campaign was, that three powerful armies should enter the French possessions by three different routes, and attack all their strong-holds, ^{at} nearly the same time. At the head of one division of the army, Brigadier-General Wolfe, a young officer who had signalized himself at the siege of Louisbourg, was to ascend the St. Lawrence and lay siege to Quebec, escorted by a strong fleet to co-operate with his troops. The central and main army, composed of British and provincials, was to be conducted against Ticonderoga and Crown Point by General Amherst, the new commander in

* Major Rogers, with his rangers, was in this battle, and asked permission to scour the woods before the regular troops were led on; but this was not granted. Major Robert Rogers was a native of Londonderry, or Dunbarton, in the state of New Hampshire. He was early known as a brave soldier, and was authorized by the British government to raise five companies of rangers, as they were called. They were kept on the frontiers for winter as well as summer service, to watch the hostile Indians, who often, in the most inclement season, made attacks upon the defenceless inhabitants of the frontiers. This body of troops was taken from the boldest and hardiest of the yeomanry of the land. They were doubly armed, and carried with them snow-shoes and skates for service. They generally made their head-quarters at the southern extremity of Lake George. Their snow-shoes put them on an equality with their foes, and with their skates they had greatly the

advantage of the Indians. Stark, Putnam, and several others, who were distinguished afterward in the revolutionary war, were trained in this school. Some of the well authenticated exploits of this hardy band, seem like romance to us, in the present day. All along the borders of Lake George, spots are shown where the rangers fought desperate battles, in the winter season, sometimes with more than twice their numbers. This corps fought from 1755 to the fall of Quebec, in 1759. They were put foremost in battle by Abercrombie and Amherst, and some of them were sent to assist Wolfe. Rogers states in his journal of these campaigns, that their packs were generally of twice the weight of those commonly carried by soldiers. Many of this band perished in their frontier campaigns. For some particulars of the life of this singular man, see Allen's Biography.—*Am. Ed.*

chief, who, after making himself master of these places, was to proceed over Lake Champlain and by the way of Richelieu River to the St. Lawrence, and descending that river, form a junction with General Wolfe before the walls of Quebec. The third army, to be composed principally of provincials, reinforced by a strong body of friendly Indians, was to be commanded by General Prideaux, who was to lead this division first against Niagara, and, after the reduction of that place, to embark on Lake Ontario, and proceed down the St. Lawrence against Montreal. It has been observed by a recent author, "Had the elements been laid, and the enemy spell-bound, the whole of this brilliant plan could not have helped succeeding." This sentence, however, betrays a very limited view of a plan that was well worthy of the mind of Pitt. In this arrangement immediate advantage was not sacrificed; while the more remote results exhibited a prospect highly calculated to excite the ambition of the leaders, and to arouse all the energies of the troops. It is in thus affording motives which tend to bring physical force into most effective and persevering action, that intellectual superiority becomes manifest, confounding the calculations of ordinary minds.

Early in the winter, General Amherst commenced preparations for his part of the enterprise; but it was not till the last of May that his troops were assembled at Albany; and it was as late as the 22d of July, when he appeared before Ticonderoga. As the naval superiority of Great Britain had prevented France from sending out reinforcements, none of the posts in this quarter were able to withstand so great a force as that of General Amherst. Ticonderoga was immediately abandoned; the example was followed at Crown Point; and the only way in which the enemy seemed to think of preserving their province was by retarding the English army with shows of resistance till the season of operation should be past, or till, by the gradual concentration of their forces, they should become numerous enough to make an effectual stand. From Crown Point they retreated to Ile-aux-Noix, where General Amherst understood there was a body of between three and four thousand men, and a fleet of several armed vessels. The English made great exertions to secure a naval superiority; and had it not been for a succession of adverse storms upon the lake, they would most probably have accomplished the original design of forming a junction at Quebec, instead of being obliged to go into winter quarters at Crown Point. In prosecution of the enterprise against Niagara, General Prideaux had embarked with an

army on Lake Ontario; and on the 6th of July landed without opposition within about three miles from the fort, which he invested in form. While directing the operations of the siege, he was killed by the bursting of a cohorn, and the command devolved on Sir William Johnson. That general, prosecuting with judgment and vigour the plan of his predecessor, pushed the attack of Niagara with an intrepidity that soon brought the besiegers within a hundred yards of the covered way. Meanwhile, the French, alarmed at the danger of losing a post which was a key to their interior empire in America, had collected a large body of regular troops from the neighbouring garrisons of Detroit, Venango, and Presqu' Isle, with which, and a party of Indians, they resolved, if possible, to raise the siege. Apprised of their intention to hazard a battle, General Johnson ordered his light infantry, supported by some grenadiers and regular foot, to take post between the cataract of Niagara and the fortress; placed the auxiliary Indians on his flanks; and, together with this preparation for an engagement, took effectual measures for securing his lines, and bridling the garrison. About nine in the morning of the 24th of July, the enemy appeared, and the horrible sound of the war whoop from the hostile Indians was the signal of battle. The French charged with great impetuosity, but were received with firmness; and in less than an hour were completely routed. This battle decided the fate of Niagara. Sir William Johnson the next morning opened negotiations with the French commandant; and in a few hours a capitulation was signed. The garrison, consisting of six hundred and seven men, were to march out with the honours of war, to be embarked on the lake, and carried to New York; and the women and children were to be carried to Montreal. The reduction of Niagara effectually cut off the communication between Canada and Louisiana.

The expedition against the capital of Canada was the most daring and important. Strong by nature, and still stronger by art, Quebec had obtained the appellation of the Gibraltar of America; and every attempt against it had failed. It was now commanded by Montcalm, an officer of distinguished reputation; and its capture must have appeared chimerical to any one but Pitt. He judged rightly, however, that the boldest and most dangerous enterprises are often the most successful, especially when committed to ardent minds, glowing with enthusiasm, and emulous of glory. Such a mind he had discovered in General Wolfe, whose conduct at Louisbourg had attracted his attention. He appointed him to conduct

the expedition, and gave him for assistants Brigadier Generals Moncton, Townshend, and Murray; all, like himself, young and ardent. Early in the season he sailed from Halifax with eight thousand troops, and, near the last of June, landed the whole army on the island of Orleans, a few miles below Québec. From this position he could take a near and distinct view of the obstacles to be overcome. These were so great, that even the bold and sanguine Wolfe perceived more to fear than to hope. In a letter to Mr. Pitt, written before commencing operations, he declared that he saw but little prospect of reducing the place.

Québec stands on the north side of the St. Lawrence, and consists of an upper and lower town. The lower town lies between the river and a bold and lofty eminence, which runs parallel to it far to the westward. At the top of this eminence is a plain, upon which the upper town is situated. Below, or east of the city, is the river St. Charles, whose channel is rough, and whose banks are steep and broken. At a short distance farther down is the Montmorency; and between these two rivers, and reaching from one to the other, was encamped the French army, strongly entrenched, and at least equal in number to that of the English. General Wolfe took possession of Point Lévi, on the southern bank of the St. Lawrence, and there erected batteries against the town. The cannonade which was kept up, though it destroyed many houses, made but little impression on the works, which were too strong and too remote to be materially affected; their elevation, at the same time, placing them beyond the reach of the fleet. Convinced of the impossibility of reducing the place, unless he could erect batteries on the north side of the St. Lawrence, Wolfe soon decided on more daring measures. The northern shore of the St. Lawrence, to a considerable distance above Québec, is so bold and rocky as to render a landing in the face of an enemy impracticable. If an attempt were made below the town, the river Montmorency passed, and the French driven from their entrenchments, the St. Charles would present a new, and perhaps an insuperable barrier. With every obstacle fully in view, Wolfe, heroically observing that "a victorious army finds no difficulties," resolved to pass the Montmorency, and bring Montcalm to an engagement. In pursuance of this resolution, thirteen companies of English grenadiers, and part of the second battalion of royal Americans, were landed at the mouth of that river, while two divisions, under Generals Townshend and Murray, prepared to cross it higher up. Wolfe's plan was to attack first a redoubt, close to the water's edge, apparently beyond reach of the fire from the enemy's

entrenchments, in the belief that the French, by attempting to support that fortification, would put it in his power to bring on a general engagement; or, if they should submit to the loss of the redoubt, that he could afterwards examine their situation with coolness, and advantageously regulate his future operations. On the approach of the British troops, the redoubt was evacuated; and the general, observing some confusion in the French camp, changed his original plan, and determined not to delay an attack. Orders were immediately despatched to the Generals Townshend and Murray to keep their divisions in readiness for fording the river; and the grenadiers and royal Americans were directed to form on the beach until they could be properly sustained. These troops, however, not waiting for support, rushed impetuously towards the enemy's entrenchments; but they were received with so strong and steady a fire from the French musketry, that they were instantly thrown into disorder, and obliged to seek shelter at the redoubt which the enemy had abandoned. Detained here awhile by a dreadful thunder storm, they were still within reach of a severe fire from the French; and many gallant officers, exposing their persons in attempting to form the troops, were killed, the whole loss amounting to nearly five hundred men. The plan of attack being effectually disconcerted, the English general gave orders for repassing the river, and returning to the isle of Orleans.

Compelled to abandon the attack on that side, Wolfe deemed that advantage might result from attempting to destroy the French fleet, and by distracting the attention of Montcalm with continual descents upon the northern shore. General Murray with twelve hundred men in transports, made two vigorous but abortive attempts to land; and though more successful in the third, he did nothing more than burn a magazine of warlike stores. The enemy's fleet was effectually secured against attacks, either by land or by water, and the commander in chief was again obliged to submit to the mortification of recalling his troops. At this juncture, intelligence arrived that Niagara was taken, that Ticonderoga and Crown Point had been abandoned, but that General Amherst, instead of pressing forward to their assistance, was preparing to attack the Ile-aux-Noix. While Wolfe rejoiced at the triumph of his brethren in arms, he could not avoid contrasting their success with his own disastrous efforts. His mind, alike lofty and susceptible, was deeply impressed by the disasters at Montmorency; and his extreme anxiety, preying upon his delicate frame, sensibly affected his health. He was observed frequently to sigh; and, as if life was only

valuable while it added to his glory, he declared to his intimate friends, that he would not survive the disgrace which he imagined would attend the failure of his enterprise. Nothing, however, could shake the resolution of this valiant commander, or induce him to abandon the attempt. In a council of his principal officers, called on this critical occasion, it was resolved, that all the future operations should be above the town. The camp at the Isle of Orleans was accordingly abandoned; and the whole army having embarked on board the fleet, a part of it was landed at Point Levi, and a part higher up the river. Montcalm, apprehending from this movement that the invaders might make a distant descent, and come on the back of the city of Quebec, detached M. de Bougainville, with fifteen hundred men, to watch their motions, and prevent their landing.

Baffled and harassed in all his previous assaults, General Wolfe seems to have determined to finish the enterprise by a single bold and desperate effort. The admiral sailed several leagues up the river, making occasional demonstrations of a design to land troops; and, during the night, a strong detachment in flat-bottomed boats fell silently down with the stream, to a point about a mile above the city. The beach was shelving, the bank high and precipitous, and the only path by which it could be scaled, was now defended by a captain's guard and a battery of four guns. Colonel Howe, with the van, soon clambered up the rocks, drove away the guard, and seized upon the battery. The army landed about an hour before day, and by daybreak was marshalled on the heights of Abraham.

Montcalm could not at first believe the intelligence; but, as soon as he was assured of its truth, he made all prudent haste to decide a battle which it was no longer possible to avoid. Leaving his camp at Montmorency, he crossed the river St. Charles with the intention of attacking the English army. No sooner did Wolfe observe this movement, than he began to form his order of battle. His troops consisted of six

battalions, and the Louisbourg grenadiers. The right wing was commanded by General Monckton, and the left by General Murray. The right flank was covered by the Louisbourg grenadiers, and the rear and left by Howe's light infantry. The form in which the French advanced indicating an intention to outflank the left of the English army, General Townshend was sent with the battalion of Amherst, and the two battalions of royal Americans, to that part of the line, and they were formed *en potence*, so as to present a double front to the enemy. The body of reserve consisted of one regiment, drawn up in eight divisions, with large intervals. The dispositions made by the French general were not less masterly. The right and left wings were composed about equally of European and colonial troops. The centre consisted of a column, formed of two battalions of regulars. Fifteen hundred Indians and Canadians, excellent marksmen, advancing in front, screened by surrounding thickets, began the battle. Their irregular fire proved fatal to many British officers, but it was soon silenced by the steady fire of the English. About nine in the morning the main body of the French advanced briskly to the charge, and the action soon became general. Montcalm having taken post on the left of the French army, and Wolfe on the right of the English, the two generals met each other where the battle was most severe. The English troops reserved their fire until the French had advanced within forty yards of their line, and then, by a general discharge, made terrible havoc among their ranks. The fire of the English was vigorously maintained, and the enemy every where yielded to it. General Wolfe, who, exposed in the front of his battalions, had been wounded in the wrist, betraying no symptom of pain, wrapped a handkerchief round his arm, and continued to encourage his men. Soon after, he received a shot in the groin; but, concealing the wound, he was pressing on at the head of his grenadiers with fixed bayonets, when a third ball pierced his breast.* The army, not disconcerted by his fall,

* On receiving his mortal wound, Wolfe was conveyed into the rear, where, careless about himself, he discovered, in the agonies of death, the most anxious solicitude concerning the fate of the day. From extreme faintness, he had reclined his head on the arm of an officer, but was soon aroused by the cry of "They fly, they fly!" "Who fly?" exclaimed the dying hero. "The French," answered his attendant. "Then," said he, "I die contented," and immediately expired. A death more full of military glory has seldom been recorded by the pen of the historian, or celebrated by the pencil of the painter. General Wolfe was only thirty-three years of age. He possessed those military talents, which, with the advantage of years and opportunity of action, "to moderate his ardour, expand his faculties, and give to his intuitive perception and scientific knowledge the correctness of judgment perfected by experience," would have "placed him on a level with

the most celebrated generals of any age or nation."—Montcalm was every way worthy to be a competitor of Wolfe. He had the truest military genius of any officer whom the French had ever employed in America. After he had received his mortal wound, he was carried into the city; and when informed that it was mortal, his reply was, "I am glad of it." On being told that he could survive but a few hours, "So much the better," he replied, "I shall not then live to see the surrender of Quebec."

General Wolfe was eulogized in the following poem from the pen of T. Paine:—

"In a mouldering cave, where the wretched retreat,
Britannia sat wasted with care;
She mourn'd for her Wolfe, and exclaim'd against fate,
And gave herself up to despair.

continued the action under Monckton, on whom the command now devolved, but who, receiving a ball through his body, soon yielded the command to General Townshend. Montcalm, fighting in front

The walls of her cell she had sculptur'd around
With the feats of her favourite son;
And even the dust, as it lay on the ground,
Was engrav'd with some deeds he had done.

"The sire of the gods, from his crystalline throne,
Beheld the disconsolate dame;
And mov'd with her tears, he sent Mercury down,
And these were the tidings that came:
Britannia, forbear, not a sigh nor a tear
For thy Wolfe, so deservedly lov'd;
Your tears shall be chang'd into triumphs of joy,
For Wolfe is not dead, but remov'd.

"The sons of the east, the proud giants of old,
Have crept from their darksome abodes;
And this is the news, as in heaven it was told,
They were marching to war with the gods;
A council was held in the chambers of Jove,
And this was their final decree:
That Wolfe should be called to the army above,
And the charge was intrusted to me.

"To the plains of Quebec, with the orders, I flew,
He begg'd for a moment's delay;
He cry'd, oh forbear, let me victory hear,
And then thy command I'll obey:
With a darksome thick film I encompass'd his eyes,
And bore him away in an urn,
Lest the fondness he bore to his own native shore,
Should induce him again to return."

The French troops that served in Canada, being desirous of erecting a monument in honour of Montcalm, their general, who fell in the action at Quebec, where the brave Wolfe also fell, a French colonel wrote to the Academy of Belles Lettres for an epitaph to be placed over Montcalm's tomb, in a church in that city, which occasioned the following letter from M. De Bougainville, member of the Academy, to Mr. Pitt:

Sir—The honours paid under your ministry, to Mr. Wolfe, assure me that you will not disapprove of the grateful endeavours of the French troops, to perpetuate the memory of the Marquis De Montcalm. The body of this general, who was honoured by the regret of your nation, is interred in Quebec. I have the honour to send you an epitaph made for him by the Academy of Inscriptions. I beg the favour of you, sir, that you will be pleased to examine it, and, if not improper, obtain leave for me to send it to Quebec, engraved on marble, and to be placed on the Marquis De Montcalm's tomb. Should such leave be granted, may I presume to request, sir, that you will be so good as to inform me of it, and, at the same time, to send me a passport, that the marble, with the epitaph engraved on it, may be received into an English ship, and Mr. Murray, governor of Quebec, allow it to be placed in the Ursuline church. You will be pleased, sir, to pardon me for this intrusion on your important occupations; but endeavouring to immortalize illustrious men and eminent patriots, is doing honour to yourself.

I am, with respect, &c. DE BOUGAINVILLE.

Sir—It is a real satisfaction to me, to send you the king's consent on a subject so affecting, as the epitaph composed by the Academy of Inscriptions, at Paris, for the Marquis De Montcalm, and which, it is desired, may be sent to Quebec, engraved on marble, to be placed on the tomb of that illustrious soldier. It is perfectly beautiful; and the desire of the French troops, which served in Canada, to pay such a tribute to the memory of their general, whom they saw expire at their head, in a manner worthy of them and himself, is truly noble and praiseworthy.

of his battalions, received a mortal wound about the same time; and General Senezergus, the second in command, also fell. The British grenadiers pressed on with their bayonets. General Murray, briskly

I shall take a pleasure, sir, in facilitating, every way, such amiable intentions; and on notice of the measures taken for shipping this marble, I will not fail immediately to transmit you the passport you desire, and send directions to the governor of Quebec for its reception.

I will beg of you, sir, to be persuaded of my just sensibility of that so obliging part of the letter with which you have honoured me relating to myself; and to believe that I embrace as a happiness, the opportunity of manifesting the esteem and particular regard with which I have the honour to be, &c.

W. PITT.

London, April 10, 1761

Here lieth,
In either hemisphere to live for ever,
LEWIS JOSEPH DE MONTCALM GOZON,
Marquis of St. Veran, Baron of Gabriac,
Commendator of the Order of St. Lewis,
Lieutenant-General of the French forces,
Both an excellent subject and soldier,
Whose memory will be immortalized both here and hereafter;
Coveting nothing but real glory;
Thoroughly conversant in all parts of polite literature,
Conducting himself through all military employment with unblemished honour;
Not unacquainted with all the arts of war, with dangers,
And knew how to improve advantages by every opportunity that offered;
An active General
In Italy, Bohemia, and Germany.
Always behaving himself with that magnanimity
That he might be put upon the same level with his ancestors;
Already eminent in dangers,
Being sent to defend the province of Canada,
He often repulsed the enemy's forces with a handful of men;
He made himself master of almost insurmountable fortifications,
Defended by numerous garrisons,
And furnished with plenty of warlike stores.
He could endure cold, hunger, watchings, and fatigue,
To a degree almost incredible:
Ever solicitous for the safety of his soldiers,
He was regardless of his own;
A vigilant enemy, and accustomed to conquer;
He supplied the deficiencies of fortune by his bravery,
Want of soldiers, by experience and activity.
He supported the tottering fate of that colony four years,
By his prudence and fortitude.
At length, having a long time baffled the efforts of his enemies,
By manifold stratagems,
Being obliged to engage a large army,
Commanded by an active and courageous general,
And supported by a fleet equipped with every thing necessary for war;
Being mortally wounded at the head of his army,
In the first onset,
He died on the 14th of September, MDCCLIX.
In the forty-eighth year of his age,
Firmly relying on Divine Providence,
Whose precepts he had religiously observed,
Universally lamented by his own soldiers,
And even regretted by his enemies.
The mourning French have deposited the mortal remains
Of this incomparable General,
In a grave,
Which an impetuous ball had previously dug,
And commended them to the generous protection
Of their adversaries.

advancing with the troops under his direction, broke the centre of the French army. The Highlanders, drawing their broadswords, completed the confusion of the enemy; and after having lost their first and second in command, the right and centre of the French were entirely driven from the field; and the left was following the example, when Bougainville appeared in the rear, with the fifteen hundred men who had been sent to oppose the landing of the English. Two battalions and two pieces of artillery were detached to meet him; but he retired, and the British troops were left the undisputed masters of the field. The loss of the French was much greater than that of the English. The corps of French regulars was almost entirely annihilated. The killed and wounded of the English army did not amount to six hundred men. Although Quebec was still strongly defended by its fortifications, and might possibly be relieved by Bougainville, or from Montreal, yet General Townshend had scarcely finished a road in the bank to get up his heavy artillery for a siege, when the inhabitants capitulated, on condition that during the war they might still enjoy their own civil and religious rights. A garrison of five thousand men was left under General Murray, and the fleet sailed out of the St. Lawrence.

The fall of Quebec did not immediately produce the submission of Canada. The main body of the French army, which, after the battle on the plains of Abraham, retired to Montreal, and which still consisted of ten battalions of regulars, had been reinforced by six thousand Canadian militia, and a body of Indians. With these forces M. de Levi, who had succeeded the Marquis de Montcalm in the chief command, resolved to attempt the recovery of Quebec. He had hoped to carry the place by a *coup de main* during the winter; but, on reconnoitring, he found the outposts so well secured, and the governor so vigilant and active, that he postponed the enterprise until spring. In the month of April, when the upper part of the St. Lawrence was so open as to admit a transportation by water, his artillery, military stores, and heavy baggage, were embarked at Montreal, and fell down the river under convoy of six frigates; and M. de Levi, after a march of ten days, arrived with his army at Point au Tremble, within a few miles of Quebec. General Murray, to whom the care of maintaining the English conquest had been entrusted, had taken every precaution to preserve it; but his troops had suffered so much by the extreme cold of the winter, and by the want of vegetables and fresh provisions, that instead of five thousand, the original number of his garrison there were not at this

time above three thousand men fit for service. With this small but valiant body he resolved to meet the enemy in the field; and on the 28th of April marched out to the heights of Abraham, where, near Sillery, he attacked the French under M. de Levi with great impetuosity. He was received with firmness; and after a fierce encounter, finding himself outflanked, and in danger of being surrounded by superior numbers, he called off his troops, and retired into the city. In this action the loss of the English was near a thousand men, and that of the French still greater. The French general lost no time in improving his victory. On the very evening of the battle he opened trenches before the town, but it was the 11th of May before he could mount his batteries, and bring his guns to bear on the fortifications. By that time General Murray, who had been indefatigable in his exertions, had completed some outworks, and planted so numerous an artillery on his ramparts, that his fire was very superior to that of the besiegers, and in a manner silenced their batteries. A British fleet most opportunely arriving a few days after, M. de Levi immediately raised the siege, and precipitately retired to Montreal. Here the Marquis de Vaudreuil, governor-general of Canada, had fixed his head quarters, and determined to make his last stand. For this purpose he called in all his detachments, and collected around him the whole force of the colony.

The English, on the other hand, were resolved upon the utter annihilation of the French power in Canada; and General Amherst prepared to overwhelm it with an irresistible superiority of numbers. Almost on the same day, the armies from Quebec, from Lake Ontario, and from Lake Champlain, were concentrated before Montreal: a capitulation was immediately signed; Detroit, Michilimackinac, and, indeed, all New France, surrendered to the English. The French troops were to be carried home; and the Canadians to retain their civil and religious privileges.

The history of modern Europe, with whose destiny that of the colonies was closely interwoven, may be designated as the annals of an interminable war. Her sovereigns, ever having the oily words of peace on their lips, have seldom had recourse to the olive branch but as the signal of a truce, the duration of which should be coeval with the reinvigoration of military strength. It was thus with France on the present occasion. Equally unsuccessful on both continents, and exhausted by her strenuous and continued efforts, she was at length induced to make overtures of peace; and every thing seemed to be in a fair train for adjustment, when the treaty was sud-

donly broken off by an attempt of the court of Versailles to mingle the politics of Spain and of Germany with the disputes between France and Great Britain. A secret family compact between the Bourbons to support each other through evil and good, in peace and in war, had rendered Spain desirous of war, and induced France once more to try her fortune. As the interests of the two nations were now identified, it only remained for England to make a formal declaration of hostility against Spain. The colonies of New England being chiefly interested in the reduction of the West India Islands, furnished a considerable body of troops to carry on the war. A large fleet was despatched from England; the land forces amounted to sixteen thousand; and before the end of the second year, Great Britain had taken the import-

ant city of Havannah, the key of the Mexican Gulf, together with the French provinces of Martinique, Grenada, St. Lucia, St. Vincent, and the Caribbee Islands.

The progress of the British conquests, which threatened all the remaining colonial possessions of their opponents, was arrested by preliminary articles of peace, which, towards the close of 1762, were interchanged at Fontainebleau between the ministers of Great Britain, France, and Spain. On the 10th of February, in the following year, a definitive treaty of peace was signed at Paris, and soon after ratified.* France ceded to Great Britain all the conquests which the latter had made in North America; and it was stipulated between the two crowns, that the boundary-line of their respective dominions in the new hemi-

* "The acquisitions of Great Britain, both from France and Spain, on the continent of North-America, established by this treaty, whether they be considered in relation to the political or commercial interests of the parent country, or in relation to the entire interests of the American colonies, merit particular attention. Every article, therefore, which has respect to America, is subjoined in the words of the treaty. By the second article, France renounces and guarantees to Great Britain all Nova Scotia or Acadia, and likewise Canada, the isle of Cape Breton, and all other islands in the gulf and river of St. Lawrence. By the third article, it is stipulated, that the French shall have the liberty of fishing and drying on a part of the island of Newfoundland, as specified in the thirteenth article of the treaty of Utrecht; and the French may also fish in the gulf of St. Lawrence, so as they do not exercise the same but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands in the said gulf. As to what relates to the fishery out of the said gulf, the French shall exercise the same, but at the distance of fifteen leagues from the coasts of the isle of Cape Breton. By the fourth article, Great Britain cedes to France, to serve as a shelter for the French fishermen, the islands of St. Peter and of Miquelon; and his most Christian Majesty absolutely engages not to fortify the said island, nor to erect any other buildings thereon, but merely for the convenience of the fishery; and to keep only a guard of fifty men for the police. By the sixth article it is stipulated, that the confines between the dominions of Great Britain and France, on the continent of North America, shall be irrevocably fixed, by a line drawn along the middle of the river Mississippi, from its source, as far as the river Iberville, and from thence by a line drawn along the middle of this river, and of the lakes Maurepas and Pontchartrain, to the sea; and to this purpose the most Christian King cedes in full right, and guarantees to his Britannic Majesty, the river and port of Mobile, and every thing that he possesses on the left side of the river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France, provided that the navigation of the river shall be equally free to the subjects of Great Britain and France, in its whole breadth and length, from its source to the sea, and that part expressly which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth; and the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations in favour of the inhabitants of Canada, inserted in the second article, shall also take place with regard to the inhabitants of the countries ceded by this article; that is, that the French in Canada may freely profess the Roman Catholic religion, as far as the laws of Great Britain permit; that they may enjoy their civil rights, retire when they please, and may dispose of their estates to British subjects. By the seventh article, it is stipulated, that Britain shall restore to France

the islands of Guadaloupe, Marigalante, Desirade, and Martinico, in the West Indies, and of Belleisle, on the coast of France, with their fortresses; provided that the term of eighteen months be granted to his Britannic Majesty's subjects, settled there, and in other places hereby restored to France, to sell their estates, recover their debts, and to transport themselves and effects, without being restrained on account of their religion, or any pretence, except for debts, or criminal prosecutions. By the eighth article, France cedes and guarantees to Great Britain the islands of Grenada and the Grenadines, with the same stipulations in favour of the inhabitants as are inserted in the second article for those of Canada; and the partition of the islands called neutral, is agreed and fixed, so that those of St. Vincent, Dominico, and Tobago, shall remain in full right to England, and that of St. Lucia shall be delivered to France in full right, the two crowns reciprocally guaranteeing to each other the partition so stipulated. By the sixteenth article, it is stipulated, that his Britannic Majesty shall cause all the fortifications to be demolished, which his subjects shall have erected in the bay of Honduras, and other places of the territory of Spain, in that part of the world. And his Catholic Majesty shall not, for the future, suffer the subjects of his Britannic Majesty, or their workmen, to be disturbed or molested under any pretence whatsoever, in their occupation of cutting, loading, and carrying away log-wood; and for this purpose they may build, without hinderance, and occupy, without interruption, the houses and magazines necessary for them, for their families, and for their effects; and his said Catholic Majesty assures to them, by this article, the entire enjoyment of what is above stipulated. By the seventeenth article, his Catholic Majesty desists from all pretensions which he may have formed to the right of fishing about the island of Newfoundland. By the eighteenth article, it is stipulated, that the king of Great Britain shall restore to Spain all that he has conquered in the island of Cuba, with the fortress of Havannah; and that fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when they were conquered by his Britannic Majesty's arms. By the twentieth article, his Catholic Majesty cedes and guarantees, in full right, to his Britannic Majesty, Florida, with the Fort St. Augustine, and the bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east, or to the southeast of the river Mississippi; and, in general, every thing that depends on the said countries and lands, with the sovereignty, property, and possession, and all rights acquired by treaties, or otherwise, which the Catholic king and the crown of Spain have had till now over the said countries."—Anderson, vol. iii. p. 339—433, where the preliminary articles of the treaty are inserted entire; and vol. iv. p. 1, 2, where the most material alterations or explanations of those articles, as settled by the definitive treaty, are inserted.—American Annals, vol. ii. p. 113—115.

sphere should run along the middle of the Mississippi, from its source as far as the Iberville, and along the middle of that river, and of Lakes Maurepas and Pontchartrain.

Thus terminated a war, which originated in an attempt on the part of the French to surround the English colonists, and chain them to a narrow strip of country along the coast of the Atlantic; and ended with their giving up the whole of what was then their only valuable territory in North America. The immediate advantage the colonies derived from the successful issue of the contest was great and apparent. Although, for a short period after the conquest of Canada had been effected, they were subject to attacks from the Indian tribes attached to the French, and also from the Cherokees on their south-western borders, they were soon enabled to visit their cruelties with severe retribution, and to procure a lasting repose, as the Indians had no forts to which to repair for protection or aid. But the indirect results, though almost unperceived at first, were far more important, and prepared the way for those momentous efforts which issued in the loss to Great Britain of the fairest portion of her colonies, and the establishment of her vassal as a rival. The colonists became inured to the habits and hardships of a military life, and skilled in the arts of European warfare; while the desire of revenge for the loss of Canada, which France did not fail to harbour, was preparing for them a most efficient friend, and making way for the anomalous exhibition of a despotic sovereign exerting all his power in the cause of liberty and independence.

CHAPTER II.

THE REVOLUTION.—FROM THE MOTION FOR WRITS OF ASSISTANCE TO THE REPEAL OF THE STAMP ACT.

No period of the world's history exhibits events more deeply fraught with interest, or more full of moral and political instruction, than the era of American independence. Duly to appreciate the character of the struggle, it is necessary to take a brief review of the circumstances in which the colonies originated, their progress for nearly a century and a half, and the nature of the connexion which existed between the colonies and the parent state.

A considerable variety of circumstances attended the establishment of the different colonies. In some cases large sums were advanced, either by associated or by individual proprietors who remained in England,

expecting, though in vain, to derive a profitable return for the advance of their capital; while in others, and those the most eminent, the colonies were founded solely at the expense and by the talent and laborious exertion of the individuals who expatriated themselves, to obtain the uninterrupted enjoyment of rights which they sought in vain in their native land. In no instance can it be truly stated, that any American colony was established at the expense of the government or nation of Great Britain. The individuals who had thus voluntarily separated themselves from their native land by a distance of three thousand miles, still maintained some connexion with the parent state, both because the new soil was claimed as an appendage of the crown, and in order to place themselves under adequate protection against the hostile attempts of any of the other European states. By royal charter, however, each colony was allowed its legislative assembly, and with such slight restrictions, that the colonists might well be excused for entertaining the idea that they possessed their own parliament; and their history evinces that this sentiment was widely extended and deeply impressed on the minds of the Americans. In no case were the civil institutions of the colonies less free than those of the British constitution—in many instances they were far more so; while the simplicity and popular character of their ecclesiastical bodies, tended most powerfully to keep alive the spirit of civil freedom. The liberties they enjoyed were rendered still more valuable, in their esteem, from the recollection of the sacrifices they had made to obtain them. What labour—what fatigue—what peril had they not encountered in an unknown and savage land!—Exposed to the excessive rigour of the winter, and the overpowering heat of the summer, of an American climate, unmitigated by the protecting and consoling influences of civilization, an early death had been the fate of most of the first emigrants; while those who survived the miseries of their situation had to defend their new habitations against the assaults of a ferocious foe, who disputed their title to the possession of lands they had so long regarded as exclusively their own. Did the aristocracy or the legislature of Great Britain share in these toils? Did they dispense with any of their luxurious habits to relieve the wants, or sympathize in the difficulties or distresses of these brave and indefatigable men? Or did they not leave them unnoticed till they became sufficiently wealthy to afford a lucrative banishment to some of the basest scions of nobility, and a prospect of yielding a revenue which might facilitate the enlargement of the pension list?

After the difficulties inevitably attendant on first attempts at colonization were overcome, the progress of the colonists in changing the luxuriant wilderness into a cultivated and well-regulated state was very rapid; and to the abundance of nature, commerce soon added the accumulations of wealth. The secret of their prosperity undoubtedly is, that the colonies were left to themselves, without the officious intermeddling of the legislature of the parent state. The navigation acts form the only exception to this observation. These acts, it has already been observed,* prohibited both exportation and importation either in Britain or the colonies, except in English-built vessels manned by English sailors. These and other enactments were designed to secure to England a monopoly of all American productions, from which her merchants could derive a profit; and had they been carried into full effect, they would have prevented all direct intercourse between the British American colonies and those of Spanish America, as well as with Europe and Asia. Through the laxity of their administration, however, an important traffic had long been carried on with Spanish settlements, the returns of which were principally in gold and silver, an object of great moment to the interest of the English colonies, and indeed very advantageous to Great Britain herself.† A considerable trade was also carried on between New York and some other of the principal American seaports, and Lisbon, the returns of which were made chiefly in specie, and the remainder in wine. These and other sources of commercial profit were closed by the strict enforcement of the navigation laws, their systematic evasion having attracted the attention of the British ministry; and this measure was, in fact, one of the most powerful, though least avowed, incitements to revolutionary zeal. It must also be added, that for the aggrandizement of English manufactures, the colonists were prohibited from making some of the most simple and necessary articles, a measure which was, in the estimation of the Americans, as degrading as it was unjust and oppressive.

It must be evident to any impartial investigator, that for all purposes of internal government, in the New England colonies especially, the connexion between them and the British empire was little more than nominal; and that, under the form of allegiance, the reality of independence had long existed. "It was not easy to devise," says Governor Hutchinson, whose testimony on this point at least must be admitted to be of great weight, "a system of subordinate government less controlled by the supreme, than the

governments in the colonies. Every colony had been left to frame their own laws, and adapt them to the genius of the people, and the local circumstances of the colony. Massachusetts, in particular, was governed by laws varying greatly from, though not repugnant to, the laws of England. Not only their penal laws, their forms of administering justice, the descent of estates, varied from the English constitution, and were settled to their own minds; but they had been allowed to establish a mode of religious worship, and a form of church government and discipline, which, at most, might be said to be only tolerated in England."‡ Possessed of their own legislature, the colonists imposed and appropriated their own imposts, and perpetually resisted the attempts of the crown to render the governors, judges, and other officers appointed by the sovereign, independent of the colonial legislatures, by refusing them. The repeated declarations of some of the representative assemblies, that no power could lawfully require the imposition of any tax without the assent of the colonial assembly, plainly indicated their opinion as to their independence of the British parliament in all matters of internal government; while their frequent resistance to the encroachments of the crown, in the conduct of the governors, proves equally their watchful jealousy to keep the sovereign power within the narrowest limits, and to dispute its exercises whenever it interfered with their real or imaginary rights.

The advocates of the liberties of America, preceding and during the period of contest, appear to have been fully aware of the real state of the question; that their views were just, is testified by the almost unanimous concurrence of all enlightened statesmen of the present day. When Charles Townshend, at the conclusion of one of his speeches in favour of the right of the British parliament to tax the colonies, exclaimed, "And now will these Americans, planted by our care, nourished up by our indulgence, until they are grown to a degree of strength and importance, and protected by our arms—will they grudge to contribute their mite to relieve us from the heavy burden we lie under?" Colonel Barre replied:—"They planted by your care! No, your oppression planted them in America. They fled from your tyranny, to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable, and among others, to the cruelties of a savage foe—the most subtle, and I will take upon me to say, the

* Book I. chap. ii.; and chap. iii.

† Stedman's American War, 4to. vol. i. p. 16.

‡ Hutchinson's History of Massachusetts Bay, p. 363.

most formidable, of any people upon the face of God's earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country, from the hands of those who should have been their friends. They nourished by your indulgence! They grew by your neglect of them. As soon as you began to take care about them, that care was exercised in sending persons to rule them in one department and another, who were deputies of deputies to some members of this house, sent to prey upon them; men, whose behaviour on many occasions has caused the blood of those sons of liberty to recoil within them; men promoted to the highest seats of justice, some of whom, to my knowledge, were glad, by going to a foreign country, to escape being brought to a bar of justice in their own. They protected by your arms! They have nobly taken up arms in your defence, have exerted their valour, amidst their constant and laborious industry, for the defence of a country whose frontiers were drenched in blood, while its interior parts yielded all its little savings to your emolument. And believe me, that same spirit of freedom which actuated that people at first, will accompany them still.*

The immediate and exciting causes of the spirit of opposition to the government were two-fold; the rigorous execution of the navigation laws, which destroyed a most important and profitable, though contraband and illegal trade; and the assertion by the British parliament of its right to tax the colonies. The latter so speedily followed the former, and afforded so preferable a ground on which to make a stand, that the navigation laws were seldom exhibited as one of the chief grievances; although, had not the stamp act and other similar measures been brought forward, the laws affecting the trade of the colonies would inevitably have excited the same opposition.

The attempt to hold a people, circumstanced as were the American colonists, under the legislation of Great Britain, was as irrational as it was unjust. Financial embarrassments called forth the erroneous policy into action, which, as often happens in private life, deeply aggravated the evil it was designed to remedy; and the attempt to wring a few thousands per annum from the colonists, terminated in plunging Great Britain into debt, and in depriving her of an immense territory, which, under a just and liberal management, might still have con-

tinued one of the most illustrious appendages of the British crown.

Plans of laying internal taxes, and of drawing a revenue from the colonies, had been at various times suggested to the ministry, and particularly to Sir Robert Walpole. This statesman, however, was too wise and sagacious to adopt them. "I will leave the taxation of the Americans," Walpole answered, "for some of my successors, who may have more courage than I have, and be less friendly to commerce than I am. It has been a maxim with me," he added, "during my administration, to encourage the trade of the American colonies to the utmost latitude; nay, it has been necessary to pass over some irregularities in their trade with Europe; for, by encouraging them to an extensive and growing foreign commerce, if they gain five hundred thousand pounds, I am convinced that, in two years afterwards, full two hundred and fifty thousand of this gain will be in his majesty's exchequer by the labour and product of this kingdom, as immense quantities of every kind of our manufactures go thither; and as they increase in the foreign American trade, more of our produce will be wanted. This is taxing them more agreeably to their own constitution and laws."† The first Pitt, also, in his celebrated speech on the repeal of the stamp act, referring to the conduct of the several preceding administrations, says, "None of these thought, or even dreamed of, robbing the colonies of their constitutional rights. That was reserved to mark an era of the late administration; not that there were wanting some, when I had the honour to serve his majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition; but it would have been taking an ungenerous and unjust advantage."

Whatever might have been the views or wishes of any individual of the British cabinet, at any period, relative to drawing a revenue directly from the colonies, no one had been bold enough to make the attempt until after the reduction of the French power in America. This was deemed a favourable moment to call upon the Americans for taxes, to assist in the payment of a debt, incurred, as was alleged, in a great measure, for their protection against a powerful enemy, now no longer an object of their dread.‡ A British statesman should have reflected, that, if the

* Gordon's History of the American Revolution, vol. i. p. 160, 161.

† Bissett's History, vol. i. p. 227, and M. Botta's *Historic de la*

Guerre de l'Independence et des Etats-Unis d'Amerique. Edit. Franc. vol. i. p. 62.

‡ Pitkin, vol. i. p. 157.

Americans were relieved from the dread of their ancient enemy, they no longer required the protection of the parent country against that enemy; and that the strongest hold on their dependence was gone when Canada was gained.*

The conquest of Canada had scarcely been effected,† when rumours were extensively prevalent‡ that a different system of government was about to be adopted by the parent state; that the charters would be taken away, and the colonies reduced to royal governments. The officers of the customs began to enforce with strictness all the acts of parliament regulating the trade of the colonies, several of which had been suspended, or had become obsolete. Governor Bernard, of Massachusetts, who was always a supporter of the royal prerogative, appears to have entered fully into these views, and to have indicated, by his appointment of confidential advisers, that his object would be to extend the power of the government to any limits which the ministry might require. The first demonstration of the new course intended to be pursued, was the arrival of an order in council to carry into effect the acts of trade, and to apply to the supreme judicature of the province for writs of assistance, to be granted to the officers of the customs. According to the ordinary course of law, no searches or seizures can be made without a special warrant, issued upon probable cause, supported by oath or affirmation,

* "The disposition to tax the Americans, unless they would tax themselves equal to the wishes of the ministry, was undoubtedly strengthened by the reports of their gayety and luxury which reached the mother country: it was also said, that the planters lived like princes, while the inhabitants of Britain laboured hard for a tolerable subsistence. The officers lately returned represented them as rich, wealthy, and even overgrown in fortune. Their opinion might arise from observations made in the American cities and towns during the war, while large sums were spent in the country, for the support of fleets and armies. American productions were then in great demand, and trade flourished. The people, naturally generous and hospitable, having a number of strangers among them, indulged themselves in many uncommon expenses. When the war was terminated, and they had no further apprehension of danger, the power of the late enemy in the country being totally broken,—Canada, and the back lands to the very banks of the Mississippi, with the Floridas, being ceded to Great Britain,—it was thought they could not well make too much of those who had so contributed to their security. Partly to do honour to them, and partly, it is to be feared, to gratify their own pride, they added to their show of plate, by borrowing of neighbours, and made a great parade of riches in their several entertainments. The plenty and variety of provision and liquors enabled them to furnish out an elegant table, at a comparatively trifling expense."—Gordon's History, vol. i. p. 157, 158.

† It will be perceived, that the contest respecting the writs of assistance occurred nearly two years before the signature of the treaty of Paris; but it has been deemed preferable to make a slight chronological retrocession, than to dis sever this occurrence from those with which it is so strictly allied in its moral and political character.

‡ "Nothing excited a greater alarm in the breasts of those to whom it was communicated, than the following anecdote, viz. The Rev. Mr. Whitefield, ere he left Portsmouth, in New Hampshire,

particularly designating the place to be searched and the goods to be seized. But the writ of assistance was to command all sheriffs and other civil officers to assist the person to whom it was granted, in breaking open and searching every place where he might suspect any prohibited or uncustomed goods to be concealed. It was a sort of commission, during pleasure, to ransack the dwellings of the citizens, for it was never to be returned, nor any account of the proceedings under it rendered to the court whence it issued. Such a weapon of oppression in the hands of the inferior officers of the customs, might well alarm even innocence, and confound the violators of the law.

The mercantile part of the community united in opposing the petition, and was in a state of great anxiety, as to the result of the question. The officers of the customs called upon Mr. Otis for his official assistance, as advocate-general, to argue their cause: but as he believed these writs to be illegal and tyrannical, he resigned the situation, though very lucrative, and if filled by a compliant spirit, leading to the highest favours of government. The merchants of Salem and Boston applied to Otis§ and Thacher, who engaged to make their defence. The trial took place in the council chamber of the Old Town House, in Boston. The judges were five in number, including Lieutenant-Governor Hutchinson, who presided as

on Monday afternoon, the 2d of April, 1764, sent for Dr. Langdon and Mr. Haven, the congregational ministers of the town, and upon their coming and being alone with him, said, 'I can't in conscience leave the town without acquainting you with a secret. My heart bleeds for America. O poor New England! There is a deep-laid plot against both your civil and religious liberties, and they will be lost. Your golden days are at an end. You have nothing but trouble before you. My information comes from the best authority in Great Britain. I was allowed to speak of the affair in general, but enjoined not to mention particulars. Your liberties will be lost.'" Gordon, vol. i. p. 143. Considerable jealousy appears to have been justly entertained by the Americans of the well known Society for Propagating the Gospel in Foreign Parts. The bishop of Llandaff observed, in a discourse on behalf of that institution, that the establishment of episcopacy being obtained, "the American church will go out of its infant state, be able to stand upon its own legs, and, without foreign help, support and spread itself, and then this society will be brought to the happy issue intended." Mr. Whitefield justly remarks, in a letter to Dr. Durell, "Supposing his lordship's assertions true, then I fear it will follow, that a society, which, since its first institution, hath been looked upon as a society for propagating the gospel, hath been all the while rather a society for propagating episcopacy in foreign parts."

§ Mr. Hutchinson insists that the opposition of Mr. Otis was originally excited by the governor's refusing the place of chief justice of the supreme court to his father; and speaking of his conduct on this occasion, says, "Mr. Otis's zeal in carrying on these causes was deemed as meritorious as if it had sprung from a sincere concern for the liberties of the people. His resentment against the governor was not charged upon him as the motive." Mr. Hutchinson may, however, be supposed at least as prejudiced against Mr. Otis, as his biographer or Mr. Adams may be in his favour. See Hutchinson's History of Massachusetts Bay, from 1749 to 1774. p. 90—95.

chief justice; and the room was filled with all the officers of government and the principal citizens, to hear the arguments in a cause that inspired the deepest solicitude. The case was opened by Mr. Gridley, who argued it with much learning, ingenuity, and dignity, urging every point and authority that could be found, after the most diligent search, in favour of the custom house petition; making all his reasoning depend on this consideration,—“if the parliament of Great Britain is the sovereign legislator of the British empire.” He was followed by Mr. Thatcher on the opposite side, whose reasoning was ingenious and able, delivered in a tone of great mildness and moderation. “But,” in the language of president Adams, “Otis was a flame of fire; with a promptitude of classical allusion, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance into futurity, and a rapid torrent of impetuous eloquence, he hurried away all before him. American independence was then and there born. The seeds of patriots and heroes to defend the *Non sine Diis animosus infans*,* to defend the vigorous youth, were then and there sown. Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, *i. e.* in 1776, he grew up to manhood and declared himself free.”†

In consequence of this argument, it appears, the popularity of Otis was without bounds, and at the next election he was for the first time chosen a member of the house of representatives by an almost unanimous vote. Some idea of the state of public sentiment at that period may be derived from the following remarkable language of the governor, in his speech at the commencement of the session. “Let me recommend to you to give no attention to declamations tending to promote a suspicion of the civil rights of the people being in danger. Such harangues might suit well in the time of Charles and James, but in the times of the Georges they are groundless and unjust. Since the accession of the first George, there has been no instance of the legal privileges of any corporate body being attacked by any of the king’s ministers or servants, without public censure ensuing. His present majesty has given uncommon assurances

how much he has at heart the preservation of the liberty, rights, and privileges of all his subjects. Can it be supposed that he can forfeit his word; or that he will suffer it to be forfeited by the acts of any servant of his with impunity? An insinuation so unreasonable and injurious I am sure will never be well received among you.”

In the following session, Governor Bernard informed the house of representatives that, during the recess of the legislature, he had appropriated a small sum towards fitting out the sloop Massachusetts to protect the fishery. The committee appointed to prepare an answer, reported to the house a message, in which, after desiring his excellency to restore the sloop to her former condition, they add—“Justice to ourselves and to our constituents obliges us to remonstrate against the method of making or increasing establishments by the governor and council. It is in effect taking from the house their most darling privilege, the right of originating all taxes. It is, in short, annihilating one branch of the legislature. And when once the representatives of a people give up this privilege, the government will very soon become arbitrary. No necessity, therefore, can be sufficient to justify a house of representatives in giving up such a privilege; for it would be of little consequence to the people whether they were subject to George or Louis, the king of Great Britain or the French king, if both were arbitrary, as both would be if both could levy taxes without parliament.” “Treason, treason!” cried one of the members, when these words were read; but the report was accepted, and the message sent unaltered to the governor. The same day he returned it, accompanied by a letter requesting that a part of it might be expunged, as disrespectful to the king. It was then proposed to insert an amendment in the message, expressive of loyalty; but a certain member crying “Rase them, rase them,” the obnoxious words, which had been underlined by the governor, were erased; “it being obvious that the remonstrance would be the same in effect with or without them.” The governor sent a vindication of his conduct to the house, and prorogued the assembly before there was time to answer it.

In the mean time, the laws of trade were enforced with increasing strictness, greatly to the embarrassment of American commerce, particularly that of the northern colonies, the whole of whose foreign trade seemed about to be ruined; an event which would

* This allusion is to the alliance medal, struck in Paris; one side of which contains the head of Liberty, with the words *Libertas Americana*, 4th July, 1776; and on the reverse, a robust infant struggling with the serpent, attacked by a lion, (England,) defend-

ed by Minerva, (France,) who interposes a shield with the fleurs de lis, and on which the lion fastens; the motto, furnished by Sir William Jones, *Non sine Diis animosus infans*.

† Tudor’s Life of Otis, p. 61.

leave them no means of making remittances to England for the purchase of manufactures, rendered so necessary by the severity of their climate, but direct exportations to that country; to which, the subjection of Canada having made that province the seat of the fur trade, they had nothing to send, but the growth of their forests and the produce of their whale fishery. The apprehension of this evil induced them to urge their agents and correspondents in Great Britain to make every effort to procure a repeal, or to prevent the perpetuity, of the most obnoxious statutes, particularly of the sugar and molasses act. Notwithstanding the approach of these evils, and the language of Mr. Otis in his argument on writs of assistance, the unconstitutional character of this and the other laws of trade does not appear to have been denied with a voice loud and general enough to excite attention in Great Britain, or even in the southern colonies; nor does the authority of parliament to enact them appear to have been yet openly contested by any deliberative body. The colonies were not ready to throw off by force restraints which they had been accustomed to wear from their infancy, and which had not till lately pressed severely upon them. They now began to find them galling; and perhaps the time when they would have grown up to such a size as to feel themselves cramped and shackled by them beyond endurance, was not far distant. The ministry, however, chose to anticipate it; and in December, 1763, orders were published in America for the vigilant and unsparing enforcement of the most odious of these laws, with the avowed purpose of raising a revenue.

The year 1764 was prolific in measures calculated to agitate and arouse the spirit of the Americans. Early in March an act was passed, which declared that the bills which had been issued by the several colonial governments, should no longer be regarded as legal currency; an enactment which, although in some cases it might have the beneficial effect of preventing an injurious excess of paper, was very prejudicial to the interests, as well as galling to the feelings, of the colonists. On the 10th of March, the house of commons passed eighteen resolutions for imposing taxes and duties on the colonies. The execution of that which declared that it might be proper to impose certain stamp duties on them, was deferred to the next session; but the others were immediately enforced by "An Act for granting certain Duties in America;" which, after stating that it was just and expedient to raise a revenue there, imposed duties on silks and coloured calicoes from Persia, India, or China, and on sugar, wines, coffee, and pimento, made the sugar and molasses act perpetual;

reducing the duty on molasses from sixpence to three pence per gallon; and this for the express and sole purpose of raising a revenue. The same act increased the number of enumerated commodities, laid new and harsh restrictions on commerce, re-enacted many of the obsolete laws of trade, and provided that all penalties and forfeitures, accruing under any of them, might be sued for, at the election of the informer, in any court of record or of admiralty, or in that of vice-admiralty, to be established over all America. The declaration which was made, that all these duties should be devoted to the maintenance of an army for the defence of the colonies, was by no means satisfactory: it was, indeed, urged by the ministry, to prove to the Americans that the money which was raised from them would ultimately be spent again among their own inhabitants; but the colonists sagaciously conjectured, that now they had no other enemy than a few exhausted tribes of Indians, there must be some other design than that of defence in maintaining a standing army among them; and they could attribute the plan to no other source, than a desire on the part of the ministry to secure the destruction of their liberties by military force.

The direct assertion by the British parliament, of its right to tax the colonies, accompanied, as it evidently was, by a determination to carry the principle into almost immediate effect, excited the most extensive clamour and agitation, not only among individuals, but in the minds of the constituted authorities. "Taxation without representation is tyranny," was the universal watchword; the proposed exaction was every where the topic of conversation, and the subject of the severest animadversion. Every day beheld the affection of the Americans for the parent country sensibly diminish, while the disposition to resist by force was silently but effectually fostered. Several of the provincial assemblies sent instructions to their agents in London to employ every means to prevent the obnoxious measure being carried into effect.

The people of Boston, at their meeting in May, instructed their representatives to the general court on this important subject. In these instructions, (which were drawn up by Samuel Adams, one of the committee appointed for that purpose,) after commenting on the sugar and molasses act, they proceed to observe: "But our greatest apprehension is, that these proceedings may be preparatory to new taxes; for if our trade may be taxed, why not our lands? why not the products of our lands, and every thing we possess or use? This, we conceive, annihilates our charter rights to govern and tax ourselves. It

strikes at our British privileges, which, as we have never forfeited, we hold in common with our fellow-subjects who are natives of Britain. If taxes are laid upon us, in any shape, without our having a legal representation where they are laid, we are reduced from the character of free subjects, to the state of tributary slaves. We, therefore, earnestly recommend it to you to use your utmost endeavours to obtain from the general court all necessary advice and instruction to our agent at this most critical juncture. We also desire you to use your endeavours that the other colonies, having the same interests and rights with us, may add their weight to that of this province; that by united application of all who are aggrieved, all may obtain redress.* This was the first public act in the colonies, in opposition to the ministerial plans of drawing a revenue directly from America; and it contained the first suggestion of the propriety of that mutual understanding and correspondence among the colonies, which laid the foundation of their future confederacy. The house of representatives of Massachusetts, in June following, declared, "That the sole right of giving and granting the money of the people of that province, was vested in them, or their representatives, and that the imposition of duties and taxes by the parliament of Great Britain upon a people not represented in the house of commons, is absolutely irreconcilable with their rights; that no man can justly take the property of another, without his consent; upon which original principles, the power of making laws for levying taxes, one of the main pillars of the British constitution, is evidently founded." The same sentiments are expressed, though in stronger language, in their letter of instructions to their agent. "If the colonists are to be taxed at pleasure," they say, "without any representatives in parliament, what will there be, to distinguish them, in point of liberty, from the subjects of the most absolute prince? If we are to be taxed at pleasure, without our consent, will it be any consolation to us, that we are to be assessed by a hundred instead of one? If we are not represented, we are slaves." The house, also, at the same time, appointed a committee, to sit during the recess of the court, to write to the other colonies, requesting them to join in applying for a repeal of the sugar act, and in endeavouring to prevent the passage of the act laying stamp duties, or any other act imposing taxes on the American provinces.

The assembly of Connecticut appointed a committee to assist the governor in drawing up reasons why the

colonies should not be charged with internal taxes by authority of parliament. These reasons were drawn up principally by Mr. Fitch, an able jurist, then governor of Connecticut, and being reported to the assembly of that colony, were approved. In the course of the year, petitions to the king and both houses of parliament were prepared in many of the colonies, and sent to their agents. The general court of Massachusetts was prorogued until October. The house of representatives of that colony agreed upon a petition in accordance with their resolutions of June preceding. This being sent to the council for their concurrence, through the influence of Thomas Hutchinson, one of the joint committee to whom it was referred, was finally so altered and modified, as to place the objections of that colony to the stamp act on the ground of expediency rather than of right. The petitions of the other colonies, however, spoke a more bold and decisive language. The memorial of the assembly of Virginia to the house of commons declared, that "they conceived it essential to British liberty, that laws imposing taxes on the people ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a proportion of the burden laid on them. This privilege, inherent in the persons who discovered and settled these regions, could not," they observed, "be renounced, or forfeited, by their removal hither, not as vagabonds and fugitives, but licensed and encouraged by their prince, and animated with a laudable desire of enlarging the British dominions and extending its commerce; on the contrary, it was secured to them and their descendants, with all other rights and immunities of British subjects, by a royal charter, which hath been invariably recognised and confirmed by his majesty and his predecessors, in their commissions to the several governors, granting a power and prescribing a form of legislation, according to which laws for the administration of justice, and for the welfare and good government of the colony, have been enacted by the governor, council, and general assembly; and to them requisitions and applications for supplies have been directed by the crown."

The petitions of the assembly of New York were drawn with great ability, and breathed a spirit more bold and decided than those from any other colony. In that to the house of commons, after stating, that from the year 1683 there had been in that province three legislative branches, consisting of the governor and council, appointed by the crown, and the representatives chosen by the people, who had enjoyed the

* Life of Samuel Adams, Signers of the Declaration of Independence, vol. ix. p. 291.

right of taxing the subject for the support of the government, and had always granted aid to the crown according to their abilities, they add, "But an exemption from the burden of ungranted and involuntary taxes must be the grand principle of every free state. Without such a right vested in themselves, exclusive of all others, there can be no liberty, no happiness, no security; it is inseparable from the very idea of property; for who can call that his own, which may be taken away at the pleasure of another? And so evidently does this appear to be the natural right of mankind, that even conquered tributary states, though subject to the payment of a fixed periodical tribute, never were reduced to so absolute and forlorn a condition, as to yield to all the burdens which their conquerors might, at any future time, think fit to impose. The tribute paid, the debt was discharged; and the remainder they would call their own. And if conquered vassals, upon the principle of mutual justice, may claim a freedom from assessments unbounded and unassented to, without which they would suffer the loss of every thing, and life itself become intolerable, with how much propriety and boldness may we proceed to inform the commons of Great Britain, who, to their distinguished honour, in all ages asserted the liberties of mankind, that the people of this colony nobly disdain the thought of claiming that exemption as a privilege. They found it on a basis more honourable, solid, and stable; they challenge it, and glory in it as their right. That right their ancestors enjoyed in Great Britain and Ireland; their descendants, returning to these kingdoms, enjoy it again; and that it may be exercised by his majesty's subjects at home, and justly denied to those who submitted to poverty, barbarian wars, loss of blood, loss of money, personal fatigues, and ten thousand unutterable hardships, to enlarge the trade, wealth, and dominion of the nation: or to speak with the most incontestable modesty, that when, as subjects, all have equal merits, a fatal, nay, the most odious discrimination should nevertheless be made between them, no sophistry can recommend to the sober impartial decision of common sense." While the assembly of New York acknowledged that parliament had a right to regulate the trade of the colonies, they declared, that in doing this they had not the right of imposing duties for the purpose of revenue.

In addition to the acts and declarations of the colonial legislatures, various individuals enlightened and animated the colonists by numerous publications both in the newspapers and by separate pamphlets. Among the latter, "The Rights of the Colonists asserted and proved," by Mr. Otis, and "The Sentiments

of a British American," by Oxenbridge Thacher, were particularly distinguished. Mr. Otis, among other things, declared, "That the imposition of taxes, whether on trade or on land, on houses, or ships, on real or personal, fixed or floating property, in the colonies, is absolutely irreconcilable with the rights of the colonists, as British subjects and as men." On the subject of the sugar and molasses act, Mr. Thacher stated his objections, the first of which was, "That a tax was thereby laid on several commodities, to be raised and levied in the plantations, and to be remitted home to England. This is esteemed," he said, "a grievance, inasmuch as the same are laid without the consent of the representatives of the colonists. It is esteemed an essential British right, that no man shall be subject to any tax but what, in person or by his representative, he hath a voice in laying."*

In the winter of 1765, at the request of the other agents of the colonies, Dr. Franklin, Jared Ingersoll, Mr. Jackson, and Mr. Garth, had a conference with Mr. Grenville, on the subject of the stamp duty. Mr. Ingersoll was from Connecticut, and had been requested to assist Mr. Jackson in any matters relating to that colony; Mr. Garth was agent for South Carolina, and he and Mr. Jackson were members of parliament. These gentlemen, and particularly Dr. Franklin and Mr. Ingersoll, informed the minister of the great opposition to the proposed tax in America, and most earnestly entreated him, that if money must be drawn from the colonies by taxes, to leave it with the colonists to raise it among themselves, in such manner as they should think proper, and best adapted to their circumstances and abilities. Dr. Franklin informed the minister, that the legislature of Pennsylvania had, by a resolution, declared, "That as they always had, so they always should, think it their duty to grant aids to the crown, according to their abilities, whenever required of them in the usual constitutional way."

Neither the remonstrances of the colonists, however, nor the entreaties of their agents, were of any avail with the ministry or parliament. The bill for laying the stamp and other duties was soon brought before the house, and petitions from the colonies of Virginia, Connecticut, and South Carolina, were offered in opposition to it. The house, however, refused to receive them; in the first place, because they questioned or denied the right of parliament to pass the bill; and, in the second place, because it was contrary to an old standing rule of the house,—“that

* Pitkin, vol. i. p. 161—170.

no petition should be received against a money bill." The majority against receiving the petitions was very large, and those from the other colonies were not offered. The petition from New York was expressed in such strong language, that no member of the house could be prevailed upon to present it. The admirable speech of Colonel Barre in reply to Charles Townshend, which has already been quoted, although it produced a profound impression, did not of course defeat the measure; and the colonial petitions and remonstrances, with the petition of the London merchants trading to America, were equally unavailing. In the house of commons there were about two hundred and fifty for, and only fifty against it. In the lords it passed without debate, with entire unanimity; and on the 22d of March it obtained the royal assent.

This enactment, which was to come into operation on the 1st of November, excited the most serious alarm throughout the colonies. It was viewed as a violation of the British constitution, and as destructive of the first principles of liberty; and combinations against its execution were every where formed. The house of burgesses in Virginia, which was in session when intelligence of the act was received, passed several spirited resolutions, asserting the colonial rights, and denying the claim of parliamentary taxation. The resolutions* were introduced into the Virginia assembly by the eloquent Patrick Henry, who, on the envelope of a copy of them in his own hand writing, has given the following interesting particulars: "They formed," says Mr. Henry, "the first opposition to the stamp act, and the scheme of taxing America by the British parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent.† I had been for the first time elected a burgess a few days before, was

young, inexperienced, unacquainted with the forms of the house, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand, and that no person was likely to step forth, I determined to venture; and alone, unadvised, and unassisted, on a blank leaf of an old law book wrote the within. Upon offering them to the house, violent debates ensued. Many threats were uttered, and much abuse cast on me, by the party for submission. After a long and warm contest, the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the ministerial party were overwhelmed. The great point of resistance to British taxation was universally established in the colonies. This brought on the war, which finally separated the two countries, and gave independence to ours. Whether this will prove a blessing or a curse, will depend upon the use our people make of the blessings which a gracious God hath bestowed on us. If they are wise they will be great and happy. If they are of a contrary character, they will be miserable. Righteousness alone can exalt them as a nation."

"It was in the midst of this magnificent debate," says his biographer, Mr. Wirt, "while he was descending on the tyranny of the obnoxious act, that he exclaimed in a voice of thunder, 'Cæsar had his Brutus—Charles the First his Cromwell—and George the Third'—('Treason,' cried the speaker; 'Treason, treason,' echoed from every part of the house: it was one of those trying moments which are decisive of character. Henry faltered not for an instant; but rising to a loftier attitude, and fixing on the speaker an eye of the most determined fire, he finished his sentence with the firmest emphasis,) *may profit by their example*. If this be treason, make 'the most of it.'"[†]

* They were as follows: "Resolved, That the first adventurers and settlers of this his majesty's colony and dominion, brought with them, and transmitted to their posterity, and all other his majesty's subjects since inhabiting in this his majesty's said colony, all the privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed by the people of Great Britain.

"Resolved, That by two royal charters, granted by King James I., the colonists aforesaid are declared entitled to all the privileges, liberties, and immunities, of denizens and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

"Resolved, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

"Resolved, That his majesty's liege people of this most ancient colony, have uninterruptedly enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police, and that the same hath never been forfeited, or any

other way given up, but hath been constantly recognised by the king and people of Great Britain.

"Resolved, therefore, That the general assembly of this colony have the sole right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British as well as American freedom."—Wirt's Life of Henry, p. 56, 57.

† Mr. Henry does not appear to have been fully informed of, or to have adequately estimated, the character of the proceedings in Massachusetts and other colonies, during the preceding year.

‡ We cannot refrain from giving another extract from Mr. Wirt's Life of Henry, although it is a specimen of an overcharged and vitiated style. Mr. W. has, however, received a just critique from that able work, to which England and America are both greatly indebted, the North American Review. "He had never before had a subject which entirely matched his genius, and was capable of drawing out all the powers of his mind. It was remarkable of him, throughout his life, that his talents never failed to rise with the occasion, and in proportion with the resistance which he had to encounter. The nicety of the vote on his last resolution, proves

In the province of Massachusetts dissatisfaction at the passing the stamp act was strongly manifested, and surprise was mingled with irritation, arising from the act having been adopted without any regard to the memorials and remonstrances forwarded from America on the subject. Feeling as freemen and as Englishmen, they saw a fatal blow aimed at their highly valued charter-liberties, and were justly apprehensive that, without a more resolute and united defence than had yet been made, their civil freedom would be laid prostrate at the feet of despotic power. Governor Bernard, in his speech to the legislature in May, merely glanced at the interesting subject by which the public mind was so deeply agitated; but urged entire submission to all acts of parliament, as it was the sanctuary of liberty and justice; and eulogized the character of the prince on the throne, "as one fully deserving the epithet of a patriot king." His speech had principal reference to other topics of a local nature. But the house of representatives, having referred to committees the several matters recommended by the governor, devoted themselves to the adoption of measures for preserving the rights of the province, which they saw directly and systematically assailed. On an early day of the session, "having considered the many difficulties to which the colonies were and must be reduced by the operation of the late acts of parliament," they voted to appoint a committee of nine of their body to report what measures were best to be taken thereon. This committee recommended "that there should be a meeting, as soon as convenient, of committees from the houses of representatives or burgesses in the several colonies on this continent, to consult together on their present circumstances, and the difficulties to which they are and must be reduced, by the late acts of parliament for levying duties and taxes on the colonies, and to consider of a general and humble address to his majesty and the parliament, imploring relief; that such meeting should be holden at New York, in October; that three persons be chosen from the house of representatives, on the part of this province, to attend the convention; that letters be prepared and transmitted to the respective speakers of the several houses of representatives, or burgesses,

that this was not a time to hold in reserve any part of his forces. It was, indeed, an alpine passage, under circumstances even more unpropitious than those of Hannibal; for he had not only to fight, hand to hand, the powerful party who were already in possession of the heights, but at the same instant to cheer and animate the timid band of followers that were trembling, and fainting, and drawing back, below him. It was an occasion that called upon him to put forth all his strength, and he did put it forth, in such a manner as man never did before. The cords of argument, with which his adversaries frequently flattered themselves that they

in the colonies, advising them of the resolutions of the house, and inviting them to join by their committees for the purposes above expressed. And that a letter be also prepared and forwarded to the agent of the province in England on these matters."* This was a very important measure: an occasion was thus furnished for citizens from the different colonies to confer with one another, and to ascertain each other's opinions and feelings; and a precedent was established for a general meeting, in future to consult for the welfare of the whole. The effect of united consultation and petitions must also be much greater than an application or an expression of discontent from a single province; and the British administration might perceive that the dissatisfaction in the colonies was not, as represented, confined to a particular section of the country and to a few individuals, but was almost universal.

On the 7th of October, the convention, consisting of twenty-eight delegates from the assemblies of Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the Delaware counties, Maryland, and South Carolina, assembled in the city of New York, and Timothy Ruggles, of Massachusetts, was chosen president. The first measure of the congress was a declaration of the rights and grievances of the colonists. They were declared to be entitled to all the rights and liberties of natural-born subjects within the kingdom of Great Britain; among the most essential of which are, the exclusive power to tax themselves, and the privilege of trial by jury. The grievance chiefly complained of was the act granting certain stamp and other duties in the British colonies, which, by taxing the colonists without their consent, and by extending the jurisdiction of courts of admiralty, was declared to have a direct tendency to subvert their rights and liberties. A petition to the king, and a memorial to each house of parliament, were also agreed on; and it was recommended to the several colonies to appoint special agents, who should unite their utmost endeavours in soliciting redress of grievances. The assemblies of Virginia, North Carolina, and Georgia, were either not in session, or were prevented by their governors from sending represent-

had bound him fast, became packthreads in his hands. He burst them with as much ease as the unshorn Samson did the bands of the Philistines. He seized the pillars of the temple, shook them terribly, and seemed to threaten his opponents with ruin. It was an incessant storm of lightning and thunder, which struck them aghast. The faint-hearted gathered courage from his countenance, and cowards became heroes while they gazed upon his exploits."—p. 64, 65.

* Bradford's History of Massachusetts, p. 53.

atives to the congress; but they forwarded petitions to England similar to those adopted by that body.

The populace in various parts of the colonies were unwilling to wait for the effect of the constitutional measures their representatives were adopting. One day in the month of August the effigy of Andrew Oliver, the proposed distributor of stamps in Massachusetts, was found hanging on a tree, afterwards well known by the name of Liberty Tree, in the main street of Boston. At night it was taken down, and carried on a bier, amidst the acclamations of an immense collection of people, through the court house, down King-street, to a small brick building, supposed to have been erected for the reception of the detested stamps. This building being soon levelled with the ground, the rioters next attacked Mr. Oliver's house, and having broken the windows, entered it, and destroyed part of the furniture. The next day, however, Mr. Oliver authorized several gentlemen to announce on the exchange, that he had declined having any concern with the office of stamp master; but in the evening a bonfire was made, and a repetition of this declaration exacted of him. On the 26th the tumults were renewed. The rioters assembled in King-street, and proceeded to the house of the deputy register of the court of admiralty, whose private papers, as well as the records and files of the court, were destroyed. The house of Benjamin Hallowell, jun., comptroller of the customs, was next entered; and elevated and emboldened by liquors found in his cellar, the mob, with inflamed rage, directed their course to the house of Lieutenant-governor Hutchinson, who, after vainly attempting resistance, was constrained to depart to save his life. By four in the morning one of the best houses in the province was completely in ruins, nothing remaining but the bare walls and floors. The plate, family pictures, most of the furniture, the wearing apparel, about nine hundred pounds sterling, and the manuscripts and books which Mr. Hutchinson had been thirty years collecting, besides many public papers in his custody, were either carried off or destroyed. The whole damage was estimated at two thousand five hundred pounds.* The town of Boston the next day voted unanimously, that the selectmen and magistrates be desired to use their utmost endeavours, agreeably to law, to suppress the like disorders for the future, and that the freeholders and other inhabitants would do every thing in their power to assist them. The officer appointed to receive

the stamped paper, which was daily expected, having resigned his commission, the governor determined to receive the paper into his own charge at the castle; and, by advice of council, he ordered the enlistment of a number of men to strengthen the garrison. This caused great murmur among the people. To pacify them, he made a declaration in council, that he had no authority to open any of the packages, or to appoint a distributor of stamps; that his views in depositing the stamped paper in the castle, and in strengthening the garrison there, were to prevent imprudent people from offering an insult to the king; and to save the town, or province, as it might happen, from being held to answer for the value of the stamps, as they certainly would be if the papers should be taken away. This declaration the council desired him to publish, but it did not stop the clamour. He was forced to stop the enlistment, and to discharge such men as had been enlisted. The first day of November, on which the stamp act was to begin its operation, was ushered in at Boston by the tolling of bells; many shops and stores were shut; and effigies of the authors and friends of that act were carried about the streets, and afterwards torn in pieces by the populace.

Nor was Massachusetts alone;—the obnoxious act received similar, though less flagrant treatment in the other colonies. On the 24th of August a gazette extraordinary was published at Providence, with *Vox Populi vox Dei*, for a motto: effigies were exhibited, and in the evening cut down and burnt. Three days afterwards, the people of Newport conducted effigies of three obnoxious persons in a cart, with halters about their necks, to a gallows near the town house, where they were hung, and after a while cut down and burnt amidst the acclamations of thousands. On the last day of October, a body of people from the country approached the town of Portsmouth, (New Hampshire,) in the apprehension that the stamps would be distributed; but on receiving assurance that there was no such intention, they quietly returned. All the bells in Portsmouth, Newcastle, and Greenland, were tolled, to denote the decease of Liberty; and in the course of the day, notice was given to her friends to attend her funeral. A coffin, neatly ornamented, and inscribed with "LIBERTY, aged CXLV. years," was prepared for the funeral procession, which began from the state house, attended with two unbraced drums; minute guns were fired until the corpse arrived at the grave, when an oration was pronounced in honour of the deceased; but scarcely was the oration concluded, when, some remains of life having been discovered, the corpse was taken up; and the inscription on the

* Hutchinson's History of Massachusetts, from 1749 to 1774, p. 124.



Gen. Scott.



lid of the coffin was immediately altered to "LIBERTY REVIVED;" the bells suddenly struck a cheerful sound, and joy appeared again in every countenance. In Connecticut, Mr. Ingersoll, the constituted distributor of stamps, was exhibited and burnt in effigy in the month of August; and the resentment at length became so general and alarming, that he resigned his office.

The spirit manifested by the citizens of New York produced a similar resignation; and the obnoxious act was contemptuously cried about the streets, labelled, "The Folly of England and Ruin of America." The stamp papers arriving toward the end of October, Lieutenant-Governor Colden took every precaution to secure them. On the 1st of November, many of the inhabitants of New York, offended at the conduct and disliking the political sentiments of the governor, having assembled in the evening, broke open his stable, and took out his coach; and after carrying it through the principal streets of the city, marched to the common, where a gallows was erected, on one end of which they suspended his effigy, with a stamped bill of lading in one hand, and a figure of the devil in the other. When the effigy had hung a considerable time, they carried it in procession suspended to the gallows, to the gate of the fort, whence it was removed to the bowling green, under the muzzle of the guns, and a bonfire made, in which the whole pageantry, including the coach, was consumed, amidst the acclamations of several thousand spectators. The next day, the people insisting upon having the stamps, it was agreed that they should be delivered to the corporation, and they were deposited in the city hall. Ten boxes of stamps, which arrived subsequently, were committed to the flames.

At Philadelphia, on the appearance of the ships having the stamps on board, all the vessels in the harbour hoisted their colours half-mast high, the bells were muffled, and continued to toll until evening. The body of quakers, with a part of the church of England and of the baptists, seemed inclined to submit to the stamp act; but great pains were taken to engage the Dutch and the lower class of people in the opposition, and Mr. Hughes, the stamp master, found it necessary at length to resign. In Maryland, Mr. Hood, the stamp distributor for that colony, to avoid resigning his office, fled to New York; but he was constrained by a number of freemen to sign a paper, declaring his absolute and final resignation. In Virginia, when the gentleman who had been appointed distributor of stamps arrived at Williamsburg, he was immediately urged to resign; and the next day he so handsomely declined acting in his office,

that he received the acclamations of the people; at night the town was illuminated, the bells were rung, and festivity expressed the universal joy.

Associations had already been formed in the colonies, under the title of the Sons of Liberty, and were composed of some of the most respectable of their citizens. The association in New York held a meeting on the 7th of November, at which it was determined that they would risk their lives and fortunes to resist the stamp act. Notice of this being sent to the Sons of Liberty in Connecticut, a union of the two associations was soon after agreed upon, and a formal instrument drawn and signed; in which, after denouncing the stamp act as a flagrant outrage on the British constitution, they most solemnly pledged themselves to march with their whole force whenever required, at their own proper cost and expense, to the relief of all who should be in danger from the stamp act or its abettors; to be vigilant in watching for the introduction of stamped paper, to consider all who are caught in introducing it as betrayers of their country, and to bring them if possible to condign punishment, whatever may be their rank; to defend the liberty of the press in their respective colonies from all violations or impediments on account of the said act; to save all judges, attorneys, clerks, and others, from fines, penalties, or any molestation whatever, who shall proceed in their respective duties without regard to the stamp act; and lastly, to use their utmost endeavours to bring about a similar union with all the colonies on the continent. In pursuance of this plan, circular letters were addressed to the Sons of Liberty in Boston, New Hampshire, and as far as South Carolina, and the proposal was received with almost universal enthusiasm.

Societies were formed also in most of the colonies, including females, and those of the highest rank and fashion, of persons who resolved to forego all the luxuries of life, sooner than be indebted for them to the commerce of England, under the restrictions imposed upon it by parliament. These societies denied themselves the use of all foreign articles of clothing; carding, spinning, and weaving became the daily employment of ladies of fashion; sheep were forbidden to be used as food, lest there should not be found a sufficient supply of wool; and to be dressed in a suit of homespun was to possess the surest means of popular distinction. So true were these patriotic societies to their mutual compact, that the British merchants and manufacturers soon began to feel the necessity of uniting with the colonies in petitioning parliament for a repeal of the obnoxious law; and the table of the minister was loaded with petitions and remonstrances

from most of the manufacturing and mercantile towns in the kingdom.

CHAPTER III.

THE REVOLUTION—FROM THE REPEAL OF THE STAMP ACT TO THE PASSING THE BILL FOR CLOSING THE PORT OF BOSTON.

WHILE the colonies were thus brought into a state bordering on insurrection by the injudicious and unjust measures of the Grenville administration, the administration itself was rapidly hastening to its dissolution. George III. had ascended the throne not long after the capture of Quebec; and in the following October the patriot Pitt, who had devised and executed the grand scheme of expelling the French from North America, resigned the seals of office. Lord Bute, who appears to have been a personal friend of the new king, was appointed Mr. Pitt's successor; and under his brief administration the peace of Paris was concluded. He was succeeded by Mr. Grenville, whose name will always bear an unhappy notoriety as the author of the stamp act; and whose measures have formed the subject of the preceding chapter. However the king might approve his political sentiments, and the king was a decided tory, Grenville was not personally in favour with his majesty; and the result was, (after some unsuccessful negotiation with Mr. Pitt, who expressed his unwillingness to go to St. James's "without he could carry the constitution along with him,") the formation of the Rockingham administration.

The speech of the king at the opening of parliament in January, 1766, clearly evinced the difference of principle between the men who now formed his cabinet, and his former ministers. He declared "his firm confidence in the wisdom and zeal of parliament, which would, he doubted not, guide them to such sound and prudent resolutions as might tend at once to preserve the constitutional rights of the British legislature over the colonies; and to restore to them that harmony and tranquillity which have lately been interrupted by disorders of the most dangerous nature. He said he had nothing at heart but the assertion of legal authority, the preservation of the liberties of all his subjects, the equity and good order of his government, and the concord and prosperity of all parts of his dominions."—On the motion for an address to the king, the sentiments of the house on the measures of the late administration, and particularly on the stamp act, were given boldly and freely. Mr. Pitt

was the first to offer his sentiments on the state affairs. "It is a long time, Mr. Speaker," said that able statesman and uncorruptible patriot, "since I have attended in parliament: when the resolution was taken in this house to tax America, I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor to have borne my testimony against it. It is my opinion, that this kingdom has no right to lay a tax upon the colonies. At the same time, I assert the authority of this kingdom to be sovereign and supreme in every circumstance of government and legislature whatsoever. Taxation is no part of the governing or legislative power; the taxes are a voluntary gift and grant of the commons alone. The concurrence of the peers and of the crown is necessary only as a form of law. This house represents the commons of Great Britain. When in this house we give and grant, therefore, we give and grant what is our own, but can we give and grant the property of the commons of America? It is an absurdity in terms. There is an idea in some, that the colonies are virtually represented in this house. I would fain know by whom? The idea of virtual representation is the most contemptible that ever entered into the head of man: it does not deserve a serious refutation. The commons in America, represented in their several assemblies, have invariably exercised this constitutional right of giving and granting their own money; they would have been slaves if they had not enjoyed it. At the same time, this kingdom has ever professed the power of legislative and commercial control. The colonies acknowledge your authority in all things, with the sole exception, that you shall not take their money out of their pockets without their consent. Here would I draw the line—*quam ultra citraque nequit consistere rectum.*" A profound silence succeeded the address of Mr. Pitt; no one appeared inclined to take the part of the late ministers. At length Mr. Grenville himself, the obstinate author of all the mischief which then so loudly threatened the peace and prosperity of the whole empire, rose in defence of the measures of his administration. "Protection and obedience," said the late minister, "are reciprocal; Great Britain protects America, America is therefore bound to yield obedience. If not, tell me, when were the Americans emancipated? The seditious spirit of the colonies owes its birth to the factions in this house. We were told we trod on tender ground, we were bid to expect disobedience: what is this but telling America to stand out against the law? to encourage their obstinacy with the expectation of

support here? Ungrateful people of America! The nation has run itself into an immense debt to give them protection; bounties have been extended to them; in their favour the act of navigation, that palladium of British commerce, has been relaxed; and now that they are called upon to contribute a small share towards the public expense, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion."

In reply to the observations of Mr. Grenville, Mr. Pitt thus addressed himself to the speaker: "Sir, a charge is brought against gentlemen sitting in this house for giving birth to sedition in America. The freedom with which they have spoken their sentiments against this unhappy act is imputed to them as a crime; but the imputation shall not discourage me. It is a liberty which I hope no gentleman will be afraid to exercise; it is a liberty by which the gentleman who calumniates it might have profited. He ought to have desisted from his project. We are told America is obstinate—America is almost in open rebellion. Sir, *I rejoice that America has resisted*; three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. I came not here armed at all points with law cases and acts of parliament, with the statute book doubled down in dogsears to defend the cause of liberty;* but for the defence of liberty upon a general constitutional principle, it is a ground on which I dare meet any man. I will not debate points of law: but what, after all, do the cases of Chester and Durham prove, but that under the most arbitrary reigns, parliament were ashamed of taxing a people without their consent, and allowed them representatives? A higher and better example might have been taken from Wales; that principality was never taxed by parliament till it was incorporated with England. We are told of many classes of persons in this kingdom not represented in parliament; but are they not all virtually represented as Englishmen within the realm? Have they not the option, many of them at least, of becoming themselves electors? Every inhabitant of this kingdom is necessarily included in the general system of representation. *It is a misfortune that more are not actually represented.*† The honourable gentleman boasts of his bounties to America. Are not these bounties intended finally for the benefit of this kingdom? If they are not, he has misapplied the national treasures. I am no

courtier of America—I maintain that parliament has a right to bind, to restrain America. Our legislative power over the colonies is sovereign and supreme. The honourable gentleman tells us, he understands not the difference between internal and external taxation; but surely there is a plain distinction between taxes levied for the purpose of raising a revenue, and duties imposed for the regulation of commerce. 'When,' said the honourable gentleman, 'were the colonies emancipated?' At what time, say I, in answer, were they made slaves? I speak from accurate knowledge when I say that the profits to Great Britain from the trade of the colonies, through all its branches, is two millions per annum. This is the fund which carried you triumphantly through the war; this is the price America pays you for her protection; and shall a miserable financier come with a boast that he can fetch a peppercorn into the exchequer at the loss of millions to the nation? I know the valour of your troops—I know the skill of your officers—I know the force of this country: but in such a cause your success would be hazardous. America, if she fell, would fall like the strong man: she would embrace the pillars of the state, and pull down the constitution with her. Is this your boasted peace? Not to sheathe the sword in the scabbard, but to sheathe it in the bowels of your countrymen? The Americans have been wronged—they have been driven to madness by injustice. Will you punish them for the madness you have occasioned? No, let this country be the first to resume its prudence and temper; I will pledge myself for the colonies, that, on their part, animosity and resentment will cease. Upon the whole, I will beg leave to tell the house in a few words what is really my opinion. It is, that the stamp act be repealed absolutely, totally, and immediately. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent."

The address of the commons having been voted, Mr. Grenville made an attempt to pledge the house to enforce the obnoxious enactment, but was successfully opposed by the new ministers, who were supported by a majority of one hundred and forty. The house made no delay in entering on the investigation of the papers relative to American affairs, which

* Alluding to Mr. Grenville's having read several statutes in the course of his speech, as precedents for taxation without representation.

† To this declaration the whole nation, with the exception of a small and interested faction, is now yielding its unqualified assent.

were laid before them by command of his majesty. The petition from the congress at New York was not allowed to be read, the parliament having denied their authority to assemble for the purpose alleged. Various other petitions, however, as well from the colonies as from the manufacturing and trading interests of the kingdom, all tending to the same point, received due and patient attention. In the course of this inquiry on American affairs, Dr. Franklin, whose political integrity and moral worth were alike duly estimated by the people of England, was called to the bar of the house, and freely questioned upon many important topics.* The answers which he gave fully confirmed the new ministers in the propriety and expediency of their intention to move for a repeal of the stamp act; and a bill for that purpose was, on the 22d of February, brought in by General Conway, who had so boldly denied the right of parliament to impose it in the first instance. The debate which ensued was warm, interesting, and long; but "the house, by an independent, noble-spirited, and unexpected majority, in the teeth of all the old mercenary *Swiss* of the state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of court, gave a total repeal to the stamp act, and if the scheme of taxing the colonies had been totally abandoned, a lasting peace to the whole empire."† The motion was carried by two hundred and seventy-five against one hundred and sixty-seven. During the debate, "the trading interest of the empire crammed into the lobbies of the house of commons with a trembling and anxious expectation, and waited, almost to a winter's return of light, their fate from the resolution of the house. When, at length, that had determined in their favour, and the doors thrown open showed them the figure of their deliverer in the well earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jump-

* Dr. Franklin's answers to the numerous questions put to him on this occasion, show at once his thorough knowledge of the merits of the cause, and of the views, principles, and spirit of his countrymen. To the question, "Do not you think the people of America would submit to the stamp duty if it was moderated?" he answered, "No, never, unless compelled by force of arms." To the question, "What was the temper of America towards Great Britain before the year 1763?" he replied, "The best in the world. They submitted willingly to the government of the crown, and paid, in their courts, obedience to acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons, or armies, to keep them in subjection. They were governed by this country at the expense only of a little pen, ink, and paper; they were led by a thread. They had not only a respect, but an affection for Great Britain, for its laws, its customs, and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with

ed upon him like children on a long absent father. They clung about him as captives about their redeemer. All England joined in his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow-citizens. Hope elevated and joy brightened his crest."‡ The bill having passed the house of commons, went up to the house of lords. Lords Bute and Strange publicly declared that his majesty's wish was not for a repeal. The Marquis of Rockingham and Lord Shelburne went together to the king, and told him what was reported. They were informed that his majesty had expressed his desire that it should be enforced; but if it could not be done peaceably and without bloodshed, it was his sincere desire and intention that it should be totally repealed. The dukes of York and Cumberland, the lords of the bedchamber, and the officers of the household, were for carrying fire and sword to America; and most of the bench of bishops concurred in those hostile sentiments. There were, in the lords, for the repeal one hundred and five, against it seventy-one.

On the 19th of March, his majesty went to the house of peers, and passed the bill for repealing the American stamp act, as also that for securing the dependency of the colonies on the British crown. On this occasion the American merchants made a most numerous appearance to express their gratitude and joy; ships in the river displayed their colours; the city was illuminated; and every method was adopted to demonstrate the sense entertained of the wisdom of parliament in conciliating the minds of the people on this critical occasion. In America, the intelligence was received with acclamations of the most sincere and heartfelt gratitude by all classes of people. Public thanksgivings were offered up in all the churches. The resolutions which had been passed on the subject of importations were rescinded, and their trade with the mother country was immediately renewed with increased vigour. The homespun dresses were

particular regard; to be an Old England-man was, of itself, a character of some respect, and gave a kind of rank among us."—"And what is their temper now?" it was asked. "O, very much altered," he replied. "Did you ever hear the authority of parliament to make laws for America, questioned till lately?"—"The authority of parliament," said he, "was allowed to be valid in all laws, except such as should lay internal taxes. It was never disputed in laying duties to regulate commerce." To the question, "Can you name any act of assembly, or public act of any of your governments, that made such distinction?" he replied, "I do not know that there was any; I think there was never an occasion to make such an act, till now that you have attempted to tax us; that has occasioned resolutions of assembly, declaring the distinction, in which I think every assembly on the continent, and every member in every assembly, have been unanimous."

† Mr. Edmund Burke's speech, April 19, 1774.

‡ Ibid.

given to the poor, and once more the colonists appeared clad in the produce of British looms.

In his circular to the governors of the colonies, Secretary Conway informed them that the king and parliament "seemed disposed not only to forgive but to forget those most unjustifiable marks of an undutiful disposition, too frequent in the late transactions of these colonies;" but at the same time required them strongly to recommend to the assemblies to make full and ample compensation to those who had suffered "for their deference to the act of the British legislature." The transactions referred to in the secretary's letter were those which took place in Boston and New York, in the summer of 1765. In June, 1766, this letter of the British secretary was laid before the assembly of Massachusetts, by Governor Bernard. In communicating it to the assembly of that province, the governor says, "The justice and humanity of this requisition," as he called it, "is so forcible, that it cannot be controverted; the authority with which it is introduced should preclude all disputation about it." This language on the part of the royal governor was considered, by the house of representatives, as interfering with the freedom of deliberation in that body, and was one of the causes which produced delay in complying with the wishes of the king and parliament on this subject. In their answer to this communication, the house observed, "That it was conceived in much higher and stronger terms in the speech than in the letter of the secretary. Whether in thus exceeding, your excellency speaks by your own authority, or a higher, is not with us to determine. However, if this recommendation, which your excellency terms a requisition, be founded on so much justice and humanity that it cannot be controverted; if the authority with which it is introduced should preclude all disputation about complying with it, we should be glad to know what freedom we have in the case." Compensation was not made to the sufferers in Massachusetts until December, 1767; and then in a manner and on conditions highly displeasing to the British government; the act for that purpose also containing "free and general pardon, indemnity, and oblivion, to all offenders in the late times." The act was afterwards disallowed by the king and council, because the assembly had no power to pass a law of general pardon without the previous assent of the crown. The sufferers, however, received the compensation provided by the act, and the rioters were not prosecuted.

The government of Great Britain could not have found an agent less qualified to foster and preserve a spirit of reconciliation in the colonies, than his excel-

lency Governor Bernard. He was haughty, morose, and tyrannical, and seemed to take delight in thwarting every measure of the assembly not proposed by his immediate friends and sub-agents. This conduct on the part of the governor, so far from subduing the spirits of what was called the American party, or the friends of liberty, irritated them to more open hostility, and brought continual accessions to their numbers. The town of Boston was at this time represented by James Otis, jun., Thomas Cushing, Samuel Adams, and John Hancock; men whose subsequent conduct proved that they were not to be driven into any surrender of privilege. It was probably in the power of the governor to have made them friends of the king; but he chose, by every petty act of opposition to their views, to alienate their respect and affection, and confirm them in the character of champions of freedom. At the meeting of the assembly, Mr. Otis was chosen speaker, but the governor refused to confirm the choice; he also refused to sanction the nomination of the council, because the crown officers had been left out. Hitherto the influence of the governor over the assembly had been greatly assisted by the secrecy with which the debates of that house had been carried on; but the friends of liberty were now so numerous there, that their doors were thrown open, and a gallery ordered to be erected for the accommodation of their fellow-citizens. From this moment the court party began to decline, and the cause of the people to acquire additional defenders.

In New York the legislature, by a voluntary act, granted compensation to those who had suffered a loss of property in their adherence to the stamp act; but they refused to carry into execution the act of parliament for quartering his majesty's troops upon them, on account of a clause which they declared involved the principle of taxation.

In the mean time a change took place in the British cabinet. The administration of the Marquis of Rockingham terminated in July, 1766, and a new ministry was formed, under the direction of Mr. Pitt, composed of men of different political principles and parties. The Duke of Grafton was placed at the head of the treasury; Lord Shelburne was joined with General Conway, as one of the secretaries of state; Charles Townshend was made chancellor of the exchequer; Camden lord chancellor; Pitt had the privy seal, and was made a peer, with the title of the Earl of Chatham; and Lord North and George Cooke were joint paymasters. Under this checkered administration, the scheme of taxing America was revived. In May, 1767, the new chancellor of the

exchequer submitted a plan of this kind to parliament. Charles Townshend was a man of genius and talents, but of high passions, eccentric, and versatile. He had warmly supported Grenville in the passage of the stamp act, and had voted with the Marquis of Rockingham in its repeal. The ex-minister Grenville may indeed be considered the real author of the second plan for taxing the colonies, for he was ever urging the subject on the new ministers.*

The measure proposed by Townshend to the house was for imposing duties on glass, paper, pasteboard, white and red lead, painters' colours, and tea imported into the colonies. The preamble declared, "that it was expedient to raise a revenue in America, and to make a more certain and adequate provision for defraying the charge of the administration of justice and the support of the civil government in the provinces, and for defraying the expenses of defending, protecting, and securing them." The Earl of Chatham was then confined by sickness in the country, the bill passed both houses without much opposition, and on the 29th of June received the royal assent.

The conduct of the assemblies of Massachusetts and New York had given great dissatisfaction in Great Britain. The refusal of the assembly of the latter to comply with the requisitions of the mutiny act, in particular, had excited the indignation of the ministry and parliament to such a degree, that three days after the passage of the new tax bill an act was passed restraining the legislature of that province from passing any act whatever, until they had furnished the king's troops with all the articles required by the mutiny act. The ministry at the same time determined to establish a new board of custom-house officers in America. An act was therefore passed, enabling the king to put the customs and other duties in America, and the execution of the laws relating to trade there, under the management of commissioners to be appointed for that purpose, and to reside in the colonies. This, as the preamble declares, would "tend to the encouragement of commerce, and to better securing the rates and duties, and the more speedy and effectual collection thereof."

These three acts arrived in America about the same time. The imposition of new taxes, accompanied by the establishment of a board of custom-house officers, not only to enforce the collection of the new

taxes, but the various ancient statutes relating to duties and the colonial trade, again excited great alarm among the colonists. It led them to a more thorough investigation of the nature of their political connexion with the parent country, and to a more strict inquiry into the extent of the power of parliament over them. The ablest heads were engaged in these investigations and inquiries, and the ablest pens employed in defence of American rights.† The legislature of New York were, indeed, frightened into immediate compliance, but a different effect was produced in the other colonies. They saw in it a bold and daring attack upon their chartered privileges; if the parliament of England felt so little scruple in abolishing the legislative power of a colony, they might, with equal indifference, attack some other rights guaranteed to them by their charter, and in the end adopt the advice which had been once given by Governor Bernard, and abolish the charter itself. The uneasiness occasioned by this prohibitory act was, indeed, particularly in Massachusetts, little less than that produced by the stamp act; and their fears were still further increased soon afterwards by the arrival of a body of British troops in Boston, which were hypocritically said to have been driven in by stress of weather. They arrived during the recess of the legislature, and the governor and his council undertook to provide for their support out of the public treasury. The conduct of the troops themselves was by no means calculated to appease the people; on the contrary, it tended to confirm the suspicions, that the alleged cause of their coming into Boston was an insidious fabrication. When the legislature met, they remonstrated, in their usual firmness and dignity of manner, against the appropriations of the public money by the governor; and the governor, with his usual virulence, wrote an exaggerated account of the affair to the ministers at home.‡ The new duties were considered by the Americans only as a new mode of drawing money from them by way of taxes; and the spirit manifested in the case of the stamp act again appeared, while they viewed the appointment of commissioners of the customs to reside in America as a dangerous innovation, and an unnecessary increase of the crown officers.

The appropriation of the new duties to the support of crown officers, and to the maintenance of troops in America, was a subject of serious complaint. It had long

* "Declaiming, as usual, one evening, on American affairs, he addressed himself particularly to the ministers. 'You are cowards,' he said; 'you are afraid of the Americans; you dare not tax America.' This he repeated in different language. Upon this, Townshend took fire, immediately rose, and said, 'Fear! fear! cowards! dare not tax America! I dare tax America.' Grenville stood

silent for a moment, and then said, 'Dare you tax America? I wish to God I could see it.' Townshend replied, 'I will, I will.'—MSS. papers of Dr. Wm. S. Johnson, then in England as agent for Connecticut, quoted in Pitkin's History, vol. i. p. 217.

† Pitkin, vol. i. p. 218.

‡ Allen's History of the Revolution, vol. i. p. 107.

been a favourite object of the British cabinet to establish in the colonies a fund, from which the salaries of the governors, judges, and other officers of the crown should be paid, independent of the annual grants of the colonial legislatures. As these officers held their places during the pleasure of the king, the people of Massachusetts, it will be remembered, had uniformly resisted such establishment, though repeatedly urged on the part of the crown. On this subject the house of representatives maintained, in resolutions indicative of great firmness, their former purpose. The house, also, during this session addressed a circular letter to the other colonies, stating the difficulties to be apprehended by the operation of the late acts of parliament, and requesting their co-operation for redress. When the question of addressing a circular to the colonies was first presented to the house it was opposed, as seeming to countenance the meeting of another congress, heretofore so offensive to the British government; and the motion was negatived. The subject was afterwards reconsidered, and the letter so worded as to satisfy a large majority of the house. The other colonies approved of the proceedings of Massachusetts, and joined in applying to the king for relief.

The circular letter of Massachusetts created no little alarm in the British cabinet. They viewed it as an attempt to convene another congress, to concert measures in opposition to the authority of parliament. Union and concert among the colonies was a peculiar object of dread with the ministers; and they were determined, if possible, to prevent every measure leading to it. A letter from Lord Hillsborough, secretary of state, was therefore addressed to the governor of Massachusetts, directing him, at the next meeting of the general assembly of that colony, "to require of the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter of the speaker, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding." If the house refused compliance, he was directed immediately to dissolve the assembly, and to transmit their proceedings to the king, that measures might be taken to prevent for the future "a conduct of so extraordinary and unconstitutional a nature." This being communicated to the house of representatives of Massachusetts in June, 1768, the house, in the most peremptory manner, by ninety-two to seventeen, refused to rescind, or to disapprove of the proceedings of the preceding assembly; declaring their rights as British subjects, in a respectful manner, to petition the king and parliament for a redress of grievances, and to request the other colonies to

unite with them for the same purpose. The house viewed the letter of Lord Hillsborough as an unwarrantable attempt on their rights; and in their answer to the communication of the governor on this subject, express themselves with no little warmth. "If the votes of the house were to be controlled by the direction of a minister," they say, "we have left us but a shadow of liberty." On the question to rescind, Mr. Otis, one of the representatives from Boston, said—"When Lord Hillsborough knows that we will not rescind our acts, let him apply to parliament to rescind theirs. Let Britain rescind their measures, or they are lost for ever." On receiving information of the decision of the house, the governor immediately dissolved the assembly.

The ministerial mandate to the other colonies was equally disregarded. The answer of the house of representatives of Maryland to the message of Governor Sharpe, communicating Lord Hillsborough's letter, evinces the independent and fearless spirit of the people of that province. "We cannot," say they, "but view this as an attempt, in some of his majesty's ministers, to suppress all communication of sentiments between the colonies, and to prevent the united supplications of America from reaching the royal ear. We have the warmest and most affectionate attachment to our most gracious sovereign, and shall ever pay the readiest and most respectful regard to the just and constitutional power of the British parliament; but we shall not be intimidated by a few high-sounding expressions from doing what we think is right." The assemblies of New York, Delaware, Virginia, and Georgia, expressed similar sentiments, in language more or less decided. Indeed, all Americans looked with astonishment at such a system of policy proceeding from a ministry of which Lord Chatham constituted a part. They found it impossible to reconcile the conduct now adopted towards them with their ideas of his lordship's character. They had heretofore regarded him as a friend, in whose honest and liberal principles they might securely trust the management of all that concerned the colonies; but here was a melancholy evidence before their eyes of the insincerity of ministerial professions. In justice to the character of Lord Chatham, however, it must be observed, that he was not in parliament during any part of the time that these measures of Mr. Townshend were under discussion. The state of his health was such as not only to detain him from his seat in the house, but to render him incapable of attending to any of the duties of his high station; and it appears that his opinion weighed but little with the men whom he had raised to power

Charles Townshend, from whom all the troubles and commotions that were now rapidly spreading through the colonies in a great measure originated, did not live to witness their effects. He died in September, 1767, and was succeeded as chancellor of the exchequer by Frederick Lord North, a young nobleman, who was then but little known in the political world, but who will be found to make a conspicuous figure in the sequel of this history. Very soon afterwards, Lord Chatham, disgusted with the corrupt influence which manifested itself in every act of the court, and sick of the political world, resigned the privy seal, which was immediately put into the hands of the Earl of Bristol. It was thought necessary, about the same time, to create a new office—that of secretary of state for the colonies—which was given to Lord Hillsborough, a circumstance which indicated that they were becoming an object of the highest consideration in the estimation of the cabinet.

The colonists meanwhile were adopting all the peaceable means in their power to show their sense of the wrongs heaped upon them. Petitions, memorials, and remonstrances to the king and parliament, and letters to the individual friends of America, were addressed from all the legislatures; but the most favourable reply which any of them received was an exhortation to suffer with patience and in silence. To suffer tamely, and without seeking redress, however, was not the character of the sturdy sons of freedom who inhabited the colonies. They entered into the same kind of resolutions of non-importation, the effects of which had been so severely felt by the traders in England under the stamp act. Boston, as before, took the lead. At a town meeting held in October, it was voted that measures should be immediately taken to promote the establishment of domestic manufactories, by encouraging the consumption of all articles of American manufacture. They also agreed to purchase no articles of foreign growth or manufacture, but such as were absolutely indispensable. New York and Philadelphia soon followed the example of Boston; and in a short time the merchants themselves entered into associations to import nothing from Great Britain but articles that necessity required.

The new board of commissioners of the customs established at Boston had now entered on the duties of their office. From the great excitement at that place, produced by the late proceedings of parliament,

a collision between the new custom-house officers and the people was by no means improbable. The indignation of the people of Boston was at length excited to open opposition by the seizure of Mr. Hancock's sloop *Liberty*, for a violation of the revenue laws. The popularity of the owner, who was one of the most active friends of the people, added to the abhorrence already felt for the officers of the customs and the whole board of commissioners, combined to give a character of outrage to this seizure in the minds of the populace, which led to an alarming riot. Under the idea that the sloop would not be safe at the wharf in their custody, the custom-house officers had solicited aid from a ship of war which lay in the harbour, the commander of which ordered the sloop to be cut from her fastenings and brought under the guns of his ship. It was to prevent this removal that the mob collected—many of the officers were severely wounded in the scuffle, and the mob being baffled in their attempts to retain the sloop at the wharf, repaired to the house of the collector, comptroller, and other officers of the customs, where they committed many acts of violence and injury to their property. This riotous disposition continued for several days, during which the commissioners applied to the governor for assistance, but his excellency not being able to protect them, advised them to remove from Boston; they consequently retired, first on board the *Romney* man-of-war, and then to *Castle William*. A committee of the council, in their report on this subject, say, that, although the extraordinary circumstances attending the seizure of the sloop, might, in some measure, extenuate the criminality of the riotous proceedings in consequence of it, yet, being of a very criminal nature, they declared their abhorrence of them, and requested that the governor would direct prosecutions against the offenders. This report was accepted by the council, but in consequence of the dissolution of the assembly, was not acted upon by the house. Such, however, was the state of public feeling, that no prosecutions could be successfully carried on.* The excitement at Boston was greatly increased about this time by the impressment of some seamen belonging to that town by order of the officers of the *Romney*.† The inhabitants of Boston were assembled on this occasion, and their petition to the governor, praying his interference to prevent such outrages for the future, shows to what a state of alarm, anxiety, and even despair, they were then

* Pitkin, vol. i. p. 229.

† This was in direct violation of an act of parliament, (the 6th Anne,) which declared, that "no mariner, or other person, who shall serve on board, or be retained to serve on board, any priva-

teer, or trading ship, or vessel, that shall be employed in America, nor any mariner or person, being on shore in any part thereof, shall be liable to be impressed or taken away by any officer or officers of or belonging to, her majesty's ships of war."

reduced. They state that, while waiting for a gracious answer to their petitions to the king, they were invaded with an armed force, impressing and imprisoning the persons of their fellow subjects, contrary to an express act of parliament; that menaces had been thrown out fit only for barbarians, affecting them in the most sensible manner, and that, "on account of the obstruction of their navigation, the situation of the town was nearly such as if war had been formally declared against it. To contend," they said, "against our parent state, is, in our idea, the most shocking and dreadful extremity; but tamely to relinquish the only security we and our posterity retain for the enjoyment of our lives and properties without one struggle, is so humiliating and base, that we cannot support the reflection."

The general court of Massachusetts having been dissolved by Governor Bernard, who refused to convene it again without his majesty's command, on the proposal of the selectmen of Boston to the several towns in the colony, a convention met in that town on the 22d of September, to deliberate on constitutional measures to obtain redress of their grievances. The convention, disclaiming legislative authority, petitioned the governor; made loyal professions; expressed its aversion to standing armies, to tumults and disorders, its readiness to assist in suppressing riots, and preserving the peace; recommended patience and good order; and after a short session dissolved itself.

The day before the convention rose, advice was received that a man-of-war and some transports from Halifax, with about nine hundred troops, had arrived at Nantasket harbour. On the day after their arrival, the fleet was brought to anchor near Castle William. Having taken a station which commanded the town, the troops, under cover of the cannon of the ships, landed without molestation, and, to the number of upwards of seven hundred men, marched, with muskets charged, bayonets fixed, martial music, and the usual military parade, into the common. In the evening, the selectmen of Boston were required to quarter the two regiments in the town; but they absolutely refused. A temporary shelter, however, in Fanueil Hall, was permitted to one regiment that was without its campequipage. The next day, the state-house, by order of the governor, was opened for the reception of the soldiers; and, after the quarters were settled, two field pieces, with the main guard, were stationed just in its front. Every thing was calculated to excite the indignation of the inhabitants. The lower floor of the state-house, which had been used by gentlemen and merchants as an exchange, the re-

presentatives-chamber, the court-house, Fanueil Hall—places with which were intimately associated ideas of justice and freedom, as well as of convenience and utility—were now filled with troops of the line. Guards were placed at the doors of the state-house, through which the council must pass in going to their own chamber. The common was covered with tents. Soldiers were constantly marching and countermarching to relieve the guards. The sentinels challenged the inhabitants as they passed. The sabbath was profaned, and the devotion of the sanctuary disturbed, by the sound of drums and other military music. There was every appearance of a garrisoned town. The colonists felt disgusted and injured, but not overawed, by the presence of such a body of soldiery. After the troops had obtained quarters, the council were required to provide barracks for them, agreeably to act of parliament; but they resolutely declined any measure which might be construed into a submission to that act. In a few weeks several more transports arrived at Boston from Cork, having on board part of the 64th and 65th British regiments, under Colonels Mackey and Pomeroy.

It is evident that the British ministry little understood the true interests of the kingdom in regard to the transatlantic colonies. They had certainly made sufficient experiments to ascertain that the Americans were not to be intimidated into a surrender of any of their rights; and yet they persisted in measures which could only tend to alienate their affections, and to widen the breach which former attempts had created, and which a contrary policy might have healed. These rigorous measures of the ministry, however, received the fullest sanction of both houses of parliament. The lords passed resolutions censuring the votes and proceedings of Massachusetts; and pronounced the election of deputies to sit in convention, and the meeting of that convention, daring insults offered to his majesty's authority, and audacious usurpations of the powers of government. The house of commons concurred in these resolutions; and both houses, in a joint address to his majesty, expressed their satisfaction in the measures that he had pursued; gave the strongest assurances that they would effectually support him in such further measures as might be found necessary to maintain the magistrates in a due execution of the laws in Massachusetts Bay; and besought him "to direct the governor to take the most effectual methods for procuring the fullest information, touching all treasons or misprisions of treason, committed within the government since the 30th day of December, 1767, and to transmit the same, together with the names of the persons who were most active

in the commission of such offences, to one of the secretaries of state, in order that his majesty might issue a special commission for inquiring of, hearing, and determining, the said offences within the realm of Great Britain, pursuant to the provision of the statute of the 35th of Henry the Eighth."

There is no portion of the conduct of the British government, in its contest with the colonies, which betrays stronger indications of tyranny, or evinces more of the blindness happily so often found in connexion with it, than the last of these resolutions. It was evidently intended to terrify the leaders of the patriotic party; but it certainly ought to have been foreseen, that it was far more calculated to give them additional power, by affording another instance of the unjust and oppressive measures which the British legislature was prepared to sanction. If the object of the ministry had been to goad the colonists to resistance before they were overawed by numerous garrisons of royal troops, their conduct was intelligible and consistent; but as that was evidently far from their design, we find in it another occasion of admiring the dispensations of Him "who setteth up one and putteth down another," in allotting so small a portion of prescience to the individuals who at this time counselled his Britannic majesty.

Massachusetts had no general assembly when the address and resolutions of parliament became known in America, it having been dissolved by the governor; but Virginia, uniformly prompt, intelligent, and decided, did not suffer them to pass unobserved. The house of burgesses, alarmed at the general danger, passed several resolutions, which they directed their speaker to transmit without delay to the speakers of the houses of assembly in the other colonies, whose concurrence in similar sentiments was earnestly requested. On the next day, the house, foreseeing the event, met on the instant of the ringing of the bell, and with closed doors received the report of their resolutions, considered, adopted, and ordered them to be entered upon their journals; which they had scarcely done, when they were summoned to attend the governor, and were dissolved. "Mr. Speaker," said he, "and gentlemen of the house of representatives, I have heard of your resolves, and augur ill of their effects; you have made it my duty to dissolve you, and you are accordingly dissolved." But the dissolution of the house of burgesses did not change the materials of which it had been composed. The same members were re-elected without a single exception, and the same determined spirit of resistance continued to

diffuse itself from the legislature over the colony which they represented, and to animate by sympathy the neighbouring colonies.* The assembly of South Carolina, the lower house in Maryland and the Delaware counties, and the assembly of North Carolina, adopted similar resolutions. Towards the close of the year, the assembly of New York also passed resolutions in concurrence with those of Virginia.

The general court of Massachusetts was at length convened on the 31st of May, not having been before called together by the governor since his memorable dissolution of it, for refusing to rescind their resolution respecting the circular letter. Their first act was to send a committee to the governor, to declare, "that they claimed that constitutional freedom, which was the right of the assembly, and was equally important as its existence; to assure his excellency, that it was their firm resolution to promote the welfare of the subject, and support his majesty's government in the province; to make a thorough inquiry into the grievances of the people, and to have them redressed; to amend, strengthen, and preserve the laws of the land; to reform illegal proceedings in administration, and to maintain the public liberty." "This resolution," they said, "demanded parliamentary freedom in the debates of the assembly; and therefore they were constrained early to remonstrate to his excellency, that an armament by sea and land investing the metropolis, and a military guard with cannon pointed at the very door of the state-house, where the assembly had convened, was inconsistent with the dignity and freedom with which they had a right to deliberate, consult, and determine. The experience of ages was sufficient to evince that the military power was ever dangerous, and subversive of a free constitution; the council of the province had publicly declared that the aid of the military was unnecessary to support the civil authority in Massachusetts; nor could they conceive that his majesty's service required a fleet and army at Boston, in a time of profound peace; and they had a right to expect that his excellency, as the representative of the king, would give the necessary orders for the removal of the forces, both of the sea and of the land, out of the harbour, and from the gates of the capital, during the sitting of the assembly." To this message of the house the governor replied, "that he had no control of the king's troops stationed in the town or province, and that he had received no orders for their removal."†

From the haughty temper of Governor Bernard, it could not be expected that he would be condescending

* Wirt's Life of Henry, p. 87.

† Bradford's History of Massachusetts, p. 182.

in the exercise of official authority; yet it was hardly to be supposed that he would causelessly give offence, by objecting to many of the best friends of the people elected to the council board. He gave his negative, however, to eleven gentlemen who had been chosen by the assembly, among whom were Bowdoin, Brattle, and Hancock: and after the general court had been some days in session, because they were consulting upon means to preserve the liberties of the people and obtain redress of grievances, instead of giving their attention to the ordinary business of voting salaries and providing for replenishing the treasury, he undertook to dictate to them what were the proper subjects of legislation; charged them with wasting the public money by needless debates, and threatened to adjourn the court to some other place, unless they should proceed in the usual, and, as he pretended, necessary course of business. The general assembly was accordingly removed to Cambridge, where it was very inconvenient to be holden, as the records and the house erected for their accommodation were in Boston. Thus the military were suffered to keep possession of the capital of the province, and the legislative assembly ordered to another place, because they chose not to be surrounded by armed men. They could not, however, be driven from their purpose of boldly remonstrating against all arbitrary measures, especially the obnoxious one of keeping a large military force in the province, and of devising proper means for relief to the people. "The firmness and decision of this assembly," says Mr. Alden Bradford, "are entitled to the highest praise. The resolution and patriotism they exhibited at this critical period have never, perhaps, been exceeded by our most meritorious statesmen." The occasion demanded an energy and zeal which no dangers or threats could subdue. And the men whom the people had then trusted with their dearest rights, proved themselves equal to the peculiar exigencies of the times. Nothing was omitted on their part to show their abhorrence of despotism, their attachment to constitutional liberty, and their determined purpose to deliver the people from oppression.*

On the 6th of July, the governor sent a message to the court, with accounts of the expenditures already incurred by quartering his majesty's troops; desiring funds to be provided for discharging the same, and requiring a provision for the further quartering of the forces in Boston and Castle Island, according to act of parliament. The next day the house of assembly, among other resolutions, passed the following:

"That a general discontent on account of the revenue acts, an expectation of a sudden arrival of a military power to enforce the said acts, an apprehension of the troops being quartered upon the inhabitants, the general court dissolved, the governor refusing to call a new one, and the people almost reduced to a state of despair, rendered it highly expedient and necessary for the people to convene by their committees; to associate, consult, and advise the best means to promote peace and good order; to present their united complaints to the throne; and jointly to pray for the royal interposition in favour of their violated rights—nor can this procedure possibly be illegal, as they expressly disclaim all governmental acts: that the establishment of a standing army in this colony, in time of peace, is an invasion of natural rights: that a standing army is not known as a part of the British constitution: that sending an armed force into the colony under pretence of assisting the civil authority, is highly dangerous to the people, unprecedented, and unconstitutional." On the 12th of July, the governor called on the court to answer, whether they would or would not make provision for the troops. The house, by message, after remarking on the mutiny or billeting act, answered, "As we cannot consistently with our own honour or interest, much less with the duty we owe to our constituents, so we never shall make any provision of funds for the purposes in your several messages." On the reception of this message, the governor prorogued the general court to the 10th of January, to meet at Boston.

On the 1st of August, Sir Francis Bernard was recalled. A few days before his departure, he received letters from the secretary of state, which, being circular to the several governors of the continent, were apparently intended to be made public. One of the last acts of his administration was his directing, or authorizing, the publication of the assurance to the people of the colonies in those letters, "that the administration is well disposed to relieve the colonies from all 'real' grievances arising from the late acts of revenue. And though the present ministers have concurred in the opinion of the whole legislature, that no measures ought to be taken which can derogate from the legislative authority of Great Britain over the colonies, yet they have declared, that they have at no time entertained a design to propose any further taxes upon America for the purpose of a revenue; and that it is their intention to propose, in the next session of parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties being contrary to the true principles of commerce."

* History of Massachusetts, p. 184.

Government in England expected, by this assurance of intended favour, to incline the people to abate their opposition. But it had a very different effect. It was immediately the common language among the advocates for liberty, "Repealing the act upon principles of commerce is a mere pretence, calculated to establish the grievance we complain of. The true reason why the duty upon tea is to continue, is to save the 'right' of taxing. Our acquiescing in the repeal of the rest will be construed into an acknowledgment of this 'right.' The fear of trouble, from the discontent of merchants and manufacturers upon our non-importation agreements, has brought the ministry to consent to this partial repeal. A vigorous enforcement of these agreements will increase the fear, and we shall certainly carry the point we contend for, and obtain the repeal of the whole." A meeting of the trading classes was called in Boston. The repeal of only part of the act was unanimously resolved to be a measure intended merely to quiet the manufacturers in Great Britain, and to prevent the setting up of manufactures in the colonies, and one that would by no means relieve trade from its difficulties; it was, therefore, further resolved, to send for no more goods from Great Britain, a few specified articles excepted, unless the revenue acts should be repealed. A committee was appointed to procure a written pledge from the inhabitants of the town not to purchase any goods from persons who have imported them, or who shall import them, contrary to the late agreement; and another committee to inspect the manifests of the cargoes of all vessels arriving from Great Britain, and to publish the names of all importers, unless they immediately delivered their goods into the hands of a committee appointed to receive them. In the midst of these proceedings, necessarily productive of considerable disorder, Governor Bernard left the administration to Lieutenant-governor Hutchinson, and embarked on board the *Rippon*, a man-of-war ordered from Virginia to receive him, and sailed for England. Instead of the marks of respect commonly shown, in a greater or less degree, to governors upon their leaving the province, there were many marks of public joy in the town of Boston. The bells were rung, guns were fired from Mr. Hancock's wharf, the liberty tree was covered with flags, and in the evening a great bonfire was made upon Fort Hill.*

The year 1770 is rendered important by the elevation of Lord North to the premiership. Having been chancellor of the exchequer in the Duke of Grafton's

administration, on his grace's resignation, which took place in the end of January, he succeeded him as first lord of the treasury, a pre-eminence he held till the close of the American revolution. His administration will ever be celebrated by the fact, that during its existence Great Britain lost more territory and acquired more debt than in any previous period of her history. His first measure was partially, and unhappily only partially, of a conciliatory character—a motion for the repeal of the port duties of 1767, with the exception of the duty on tea, which his lordship expressly declared he desired to keep on as an assertion of the supremacy of the parliament. In vain it was contended that the reservation of this single article would keep up the contention which it was so desirable to allay; that after giving up the prospect of a revenue from the colonies, it was absurd and impolitic to persevere in the assertion of an abstract claim of right, which, if attempted in any mode to be carried into practice, would produce nothing but civil discord and interminable opposition; that, in short, if nothing more was meant by this omission of the tea in the repeal, than the mere declaration of parliamentary supremacy, the law already in existence, under the title of the Declaratory Act, was abundantly sufficient for that purpose, and that the Americans had hitherto silently acquiesced in that law. To all these arguments Lord North replied,—“Has the repeal of the stamp act taught the Americans obedience? Has our lenity inspired them with moderation? Can it be proper, while they deny our legal power to tax them, to acquiesce in the argument of illegality, and, by the repeal of the whole law, to give up that power? No! the most proper time to exert our right of taxation is when the right is denied. To temporize is to yield; and the authority of the mother country, if it is now unsupported, will, in reality, be relinquished for ever. A total repeal cannot be thought of, till America is prostrate at our feet.”

Governor Pownall, who moved, as an amendment, to include the duty on tea, acknowledged, that even the total repeal of the duties in question, though it might be expected to do much, would not restore satisfaction to America. “If,” said he, “it be asked, whether it will remove the apprehensions excited by your resolutions and address of the last year, for bringing to trial in England persons accused of treason in America, I answer, No. If it be asked, if this commercial concession would quiet the minds of the Americans as to the political doubts and fears which have struck them to the heart, throughout the continent, I answer, No. So long as they are left in

* Dr. Hutchinson's History of Massachusetts Bay, from 1749 to 1774, chap. ii. p. 254.

doubt whether the habeas corpus act, whether the bill of rights, whether the common law as now existing in England, have any operation and effect in America, they cannot be satisfied. At this hour they know not whether the civil constitutions be not suspended and superseded by the establishment of a military force. The Americans think that they have, in return to all their applications, experienced a temper and disposition that is unfriendly, and that the enjoyment and exercise of the common rights of free-men have been refused to them. Never with these views will they solicit the favour of this house; never more will they wish to bring before parliament the grievances under which they conceive themselves to labour. Deeply as they feel, they suffer and endure with a determined and alarming silence; for their liberty they are under no apprehensions. It was first planted under the auspicious genius of the constitution; it has grown up into a verdant and flourishing tree; and should any severe strokes be aimed at the branches, and fate reduce it to the bare stock, it would only take deeper root, and spring out again more durable than before. They trust to Providence, and wait with firmness and fortitude the issue." The event proved that Mr. Pownall knew, incomparably better than Lord North, the character and state of the colonies. During his residence in America, while successively governor of two of the provinces, he acquired that knowledge which the British ministry could not, and some provincial governors would not, acquire. It might have been supposed that the very unsatisfactory result of the previous half-measures of this kind would have deterred any minister from a repetition of them. It displays as little knowledge of the construction of the human mind, as attention to the history of popular agitations, to intermingle professions of kindness with threats, or concessions with expressions of insult.

The colonies, however, would probably have assumed a less agitated aspect, had not other circumstances existed to ferment and perpetuate feelings of hostility. Among these, the introduction and maintenance of troops of the line in Boston was one of the most aggravating. The inhabitants felt that their presence was designed to overawe and control the expression of their sentiments, and the military appear to have viewed their residence in the town in the same light. Under the excitement that was thus occasioned, affrays were frequently occurring between the populace and the soldiers; and it would appear that, as might be expected, neither party conducted

themselves with prudence or forbearance. On the one hand, the soldiers are represented as parading the town, armed with heavy clubs, insulting and seeking occasion to quarrel with the people;* while, on the other, the populace are declared to be the aggressors, and the military to have acted on the defensive.† Early in the evening of the 5th of March, the inhabitants were observed to assemble in different quarters of the town; parties of soldiers were also driving about the streets, as if both the one and the other had something more than ordinary upon their minds. About eight o'clock, one of the bells of the town was rung in such manner as is usual in case of fire. This called people into the streets. A large number assembled in the market-place, not far from King-street, armed with bludgeons, or clubs. A small fray between some of the inhabitants and the soldiers arose at or near the barracks at the west part of the town, but it was of little importance, and was soon over. A sentinel who was posted at the custom-house, not far from the main guard, was next insulted, and pelted with pieces of ice and other missiles, which caused him to call to the main guard to protect him. Notice was soon given to Captain Preston, whose company was then on guard, and a sergeant with six men was sent to protect the sentinel; but the captain, to prevent any precipitate action, followed them himself. There seem to have been but few people collected when the assault was first made on the sentinel; but the sergeant's guard drew a greater number together, and they were more insulted than the sentinel had been, and received frequent blows from snowballs and lumps of ice. Captain Preston thereupon ordered them to charge; but this was no discouragement to the assailants, who continued to pelt the guard, daring them to fire. Some of the people who were behind the soldiers, and observed the abuse of them, called on them to do so. At length one received a blow with a club, which brought him to the ground; but, rising again, he immediately fired, and all the rest, except one, followed the example. This seems, from the evidence on the trials and the observation of persons present, to have been the course of the material facts. Three men were killed, two mortally wounded, who died soon after, and several slightly wounded. The soldiers immediately withdrew to the main guard, which was strengthened by additional companies. Two or three of the persons who had seen the action ran to the lieutenant-governor's house, which was about half a mile distant, and begged he would go to King-street,

* Bradford's History of Massachusetts, p. 205.

† Hutchinson, p. 270

where they feared a general action would come on between the troops and the inhabitants. He went immediately, and, to satisfy the people, called for Captain Preston, and inquired why he had fired upon the inhabitants without the direction of a civil magistrate. The noise was so great that his answer could not be understood; and some persons, who were apprehensive of the lieutenant-governor's danger from the general confusion, called out, "The town-house, the town-house!" when, with irresistible violence, he was forced up by the crowd into the council chamber. There demand was immediately made of him, to order the troops to withdraw from the town-house to their barracks. He refused; but calling from the balcony to the great body of people who remained in the street, he expressed his great concern at the unhappy event; assured them he would do every thing in his power to obtain a full and impartial inquiry, that the law might have its course; and advised them to go peaceably to their homes. Upon this there was a cry—"Home, home!" and a great part separated, and went home. He then signified his opinion to Lieutenant-Colonel Carr, that if the companies in arms were ordered to their barracks, the streets would be cleared, and the town in quiet for that night. Upon their retiring, the rest of the inhabitants, except those in the council chamber, retired also. Lieutenant-Colonel Dalrymple, at the desire of the lieutenant-governor, came to the council chamber, while several justices were examining persons who were present at the transactions of the evening. From the evidence it was apparent that the justices would commit Captain Preston, if taken. Several hours passed before he could be found, and the people suspected that he would not run the hazard of a trial; but at length he surrendered himself to a warrant for apprehending him, and, having been examined, was committed to prison. The next morning the soldiers who were upon guard surrendered also, and were committed. This was not sufficient to satisfy the people, and early in the forenoon they were in motion again. The lieutenant-governor caused his council to be summoned, and desired the two lieutenant-colonels of the regiments to be present. The select-men of Boston were waiting the lieutenant-governor's coming to council, and, being admitted, made their representation, that, from the contentions arising from the troops quartered in Boston, and above all, from the tragedy of the last night, the minds of the inhabitants were exceedingly disturbed; that they would presently be assembled in a town meeting; and that, unless the troops should be removed, the most terrible consequences were to be expected. The justices also

of Boston and several of the neighbouring towns had assembled, and desired to signify their opinion, that it would not be possible to keep the people under restraint, if the troops remained in town. The lieutenant-governor acquainted both the select-men and the justices, that he had no authority to alter the place of destination of the king's troops; but that he expected the commanding officers of the two regiments, and would let them know the applications which had been made. Presently after their coming, a large committee from the town-meeting presented an address to the lieutenant-governor, declaring it to be the unanimous opinion of the meeting, that nothing could rationally be expected to restore the peace of the town, "and prevent blood and carnage," but the immediate removal of the troops. The committee withdrew into another room to wait for an answer. Some of the council urged the necessity of complying with the people's demand; but the lieutenant-governor declared that he would, upon no consideration whatever, give orders for their removal. Lieutenant-Colonel Dalrymple then signified, that, as the 29th regiment had originally been designed to be placed at the castle, and was now peculiarly obnoxious to the town, he was content that it should be removed to the castle, until the general's pleasure should be known. The committee was informed of this offer, and the lieutenant-governor rose from council, intending to receive no further application upon the subject; but the council prayed that he would meet them again in the afternoon, and Colonel Dalrymple desiring it also, he complied. Before the council met again, it had been intimated to them that the "desire" of the governor and council to the commanding officer to remove the troops, would cause him to do it, though he should receive no authoritative "order." As soon as they met, a committee from the town-meeting attended with a second message, to acquaint the lieutenant-governor that it was the unanimous voice of the people assembled, consisting, as they said, of near three thousand persons, that nothing less than a total and immediate removal of the troops would satisfy them.* Ultimately the scruples of the lieutenant-governor were overcome, and he expressed his desire that the troops should be wholly withdrawn from the town to the castle, which was accordingly done. The funeral of the victims was attended with extraordinary pomp. Most of the shops were closed, all the bells of the town tolled on the occasion, and the corpses were followed to the grave by an immense concourse of people, arranged six abreast, the proces-

* Hutchinson, p. 272---275.

sion being closed by a long train of carriages belonging to the principal gentry of the town.* Captain Preston and the party of soldiers were afterwards tried. The captain and six of the men were acquitted, and two were brought in guilty of manslaughter; a result which reflected great honour on John Adams and Josiah Quincy, the counsel for the prisoners, and on the jury.†

This disastrous occurrence infused additional spirit into the assembly of the province. Accumulated as the public business was, there having been but one session for eighteen months, the lieutenant-governor postponed the assembly from January, the time to which it had been prorogued by Governor Bernard, to the middle of March, and then ordered it to be convened at Cambridge. The reason which he gave for this measure was, that he had been so instructed by the British ministry. At the session in Cambridge, in his message to both houses respecting the state of the province, he said nothing to mitigate the alarm, or to alleviate the distress, of the people. His duty to the king, his royal master, he said, he was resolved faithfully to discharge; and he gave promises of a readiness to unite with the assembly in all proper measures for the welfare of the province; but of the recent tragical event he took no notice.

* Gordon's History, vol. i. p. 290.

† Quincy's Life of Josiah Quincy, p. 31—66, where there is a full account of the trial of Captain Preston.

‡ "When complaints," said they, "are made of riots and tumults, it is the wisdom of government, and it becomes the representatives of the people especially, to inquire into the real causes of them. If they arise from oppression, as is often the case, a thorough redress of grievances will remove the cause, and, probably, put an end to the complaint. It may be justly said of the people of this province, that they seldom, if ever, have assembled in a tumultuous manner, unless they were oppressed. It cannot be expected that a people, accustomed to the freedom of the English constitution, will be patient while they are under the hand of tyranny and arbitrary power. They will discover their resentment in a manner which will naturally displease their oppressors; and in such a case, the severest laws and the most rigorous execution will be to little purpose. The most effectual method to restore tranquillity, would be to remove their burdens, and to punish all those who have been the procurers of their oppression. The instance your honour recommends to our attention, admitting it to be true, cannot be more threatening to government, than those enormities which have been known to be committed by the soldiery of late, and have strangely escaped punishment, though repeated, in defiance of the laws and authority of government. A military force posted among the people without their express consent, is itself one of the greatest grievances, and threatens the total subversion of a free constitution; much more, if designed to execute a system of corrupt and arbitrary power, and even to exterminate the liberties of the country. The bill of rights, passed immediately after the revolution (of 1688,) expressly declares, that the keeping of a standing army within the kingdom, in a time of peace, without the consent of the parliament, is against law: and we take this occasion to say, with freedom, that the keeping of a standing army, within this province, in a time of peace, without the consent of the general assembly, is equally against law. Yet we have seen a standing army procured, posted and kept within this province, in a time of profound peace, not only without the consent of the people, but against the remonstrance of both houses of assembly. Such a standing army must

A few days afterwards he sent a special message to inform the house of a trifling affray at Gloucester, in which a petty officer of the customs was said to have been abused; and called on them to afford assistance in bringing the agents to punishment. The reply of the house clearly indicated their deep sense of injury from their own executive government, as well as from the parent state, and the rapid strides they were making towards open resistance.‡ During a great part of this session, the house of representatives and the council were occupied with remonstrances against the removal of the general court to Cambridge. They contended, that law, usage, and convenience, were in favour of holding it in Boston; that the governor had a discretionary power respecting the place, to be exercised only when the public welfare required it in some peculiar exigency; and that it was highly improper and unjust for ministers to give instructions in the case, founded merely on political considerations. Protesting against the removal as unconstitutional, there being no necessity to justify it, and believing it was designed to harass the representatives of the people, whose deliberations and transactions ought to be perfectly free, they declined proceeding to public business. The lieutenant-governor insisted that he was bound

be designed to subjugate the people to arbitrary measures. It is a most violent infraction of their natural and constitutional rights. It is an unlawful assembly, of all others the most dangerous and alarming; and every instance of its restraining the liberty of any individual, is a crime, which infinitely exceeds what the law intends by a riot. Surely, then, your honour cannot think this house can descend to the consideration of matters, comparatively trifling, while the capital of the province has so lately been in a state of actual imprisonment, and the government is under duress. We shall not enlarge on the multiplied outrages committed by this unlawful assembly, in frequently assaulting his majesty's peaceable and loyal subjects, in beating and wounding the magistrate when in the execution of his office; in rescuing prisoners out of the hands of justice; and finally, in perpetrating the most horrid slaughter of a number of the inhabitants, but a few days before the sitting of this assembly. Yet not the least notice has been taken of these outrageous offences; nor can we find the most distant allusion to the late inhuman and barbarous action, either in your speech at the opening of the session, or in this message to both houses. These violences, so frequently committed, added to the most rigorous and oppressive prosecutions, carried on against the subjects, grounded on unconstitutional acts, and in the courts of admiralty, uncontrolled by the courts of common law, have been justly alarming to the people. The disorder, which your honour so earnestly recommends to the consideration of the assembly, very probably took its rise from such provocations. The use, therefore, which we shall make of the information in your message, shall be to inquire into the grounds of the people's uneasiness, and to seek a radical redress of their grievances. Indeed, it is natural to expect that while the terror of arms continues in the province, the laws will be, in some degree, silent. But when the channels of justice shall be again opened, and the law can be heard, the person who has complained to your honour will have a remedy. We yet entertain hope, that the military power, so grievous to the people, will soon be removed from the province: till then, we have nothing to expect, but that tyranny and confusion will prevail, in defiance of the laws of the land, and the just and constitutional authority of government."

by his instructions; that his commission required it of him; and that it was competent for him at any time to fix the place, as well as the day, for the meeting of the general court. To this statement the house made a long, elaborate, and able reply; but the lieutenant-governor asserted his authority, and absolutely refused to yield to the request of the assembly. Such was the situation of public affairs, that the house concluded it the most prudent to proceed to consult upon the common concerns of the province; but resolved, "that they were induced thereto from absolute necessity," and declared, "that it was not to be considered as the renunciation of their claim to the legal right of sitting in general assembly, at its ancient place, the court-house in Boston." The general court closed its session in November by prorogation, after having resolved, among other things, to promote industry and frugality, and to encourage the use of domestic manufactures throughout the province; and having appointed a committee of correspondence to communicate with the agents in Great Britain, and with the committees of the colonies. The first of these resolutions of the Massachusetts assembly, namely, to discourage the use of foreign articles, had been adopted in consequence of a determination of the merchants of Boston, made during the present session, by which they agreed to alter their non-importation agreement, and to adopt the plan, which had been for some time followed in New York and in Philadelphia, of importing all the usual articles of trade, except tea, which it was unanimously agreed should not be brought into the country, unless it could be smuggled.*

During the year 1771, nothing of moment occurred either in Boston or the colonies. The encouragement given by the agreement of the merchants to smuggling, occasioned continual contests with revenue officers; and it appears that the magistrates, when appealed to, refused to interfere. One circumstance, however, transpired, which must not be omitted. Early in this year, Mr. Hutchinson received his appointment to the office of governor of Massachusetts, an office which his political opponents allege to have always been the darling object of his ambition; while he maintains, that, however, in ordinary times, he might have desired it, he now "determined not only to desire to be excused from the honour intended for him, but to be superseded in his place of lieutenant-governor; and he wrote to the secretary of state accordingly."†

The occurrences of the year 1772, afforded new

sources of mutual animosity. The destruction of his majesty's revenue schooner, *Gaspee*, was one of those popular excesses which highly incensed the British ministry. Lieutenant Doddington, who commanded that vessel, had become very obnoxious to the inhabitants of Rhode Island, by his extraordinary zeal in the execution of the revenue laws. On the 9th of June, the Providence packet was sailing into the harbour of Newport, and Lieutenant Doddington thought proper to require the captain to lower his colours. This the captain of the packet deemed repugnant to his patriotic feelings, and the *Gaspee* fired at the packet to bring her to: the American, however, still persisted in holding on her course, and by keeping in shoal water, dexterously contrived to run the schooner aground in the chase. As the tide was upon the ebb, the *Gaspee* was set fast for the night, and afforded a tempting opportunity for retaliation; and a number of fishermen, aided and encouraged by some of the most respectable inhabitants of Providence, being determined to rid themselves of so uncivil an inspector, in the middle of the night manned several boats, and boarded the *Gaspee*. The lieutenant was wounded in the affray; but, with every thing belonging to him, he was carefully conveyed on shore, as were all his crew. The vessel, with her stores, was then burnt; and the party returned unmolested to their homes. When the governor became acquainted with this event, he offered a reward of five hundred pounds for the discovery of the offenders, and the royal pardon to those who would confess their guilt. Commissioners were appointed also to investigate the offence, and bring the perpetrators to justice; but, after remaining some time in session, they reported that they could obtain no evidence, and thus the affair terminated; a circumstance which forcibly illustrates the inviolable brotherhood which then united the people against the government.

While the conduct of the American populace thus continued to aggravate the exasperation of the British court, the measures of the government had an equal tendency to keep alive the feeling of hostility in the breasts of the Americans. It is vain, and unworthy of the character of any statesman, to urge that the measures adopted would not have given offence in other times; the enactment of laws will ever be regarded not with a view to the principles of abstract propriety, but to the immediate object for which they are promulgated. This plea, however, in extenuation of the plan of rendering the governor, judges, and other officers of the crown, independent of the general court,

* Allen's History of the American Revolution, vol. i. p. 149.

† Hutchinson, p. 290.

could only be raised* by persons inattentive (as, indeed, most English politicians appear to have been) to the political history of the colonies. The arrangement which was now ordered to be carried into effect, that the governor and other officers should receive their salaries from the crown, had hitherto been successfully opposed. The old contest on this subject was not yet forgotten, and the people, now greatly increased in numbers, were as little disposed as their ancestors to yield on this point. Opposition to this measure was not confined to the assembly, but numerous meetings of the people themselves in various towns were held on the subject. At these meetings, not only this particular measure, but all the late ministerial and parliamentary proceedings in relation to the colonies, were examined and discussed with great freedom and boldness. At the suggestion of Samuel Adams, a committee, consisting of twenty-one, was appointed "to state the rights of the colonies, and of this province in particular, as men, as Christians, and as subjects." This committee was also directed to publish the same to the several towns in the province, and to the world, as the sense of the town of Boston on the subject of their rights, with the various infringements and violations which had occurred. In this report, drawn with great ability, they claimed those natural and unalienable rights of man, with which no government could interfere without their consent. As British subjects, they claimed equal rights with their fellow-subjects in England, rights secured to them by the constitution. The Christian religion, they said, not only sanctioned their views of civil liberty, but, in spiritual concerns, secured to them all the freedom and self-direction which they and their fathers had long enjoyed. In their letter to the several towns, the committee tell their fellow-citizens, that they had abundant reason to apprehend that a plan of despotism had been concerted, and was hastening to a completion; that the late measures of administration had a direct tendency to deprive them of every thing valuable as men, as Christians, and as subjects entitled to the rights of native Britons. "We are not afraid of poverty," say the committee, in conclusion, "but we disdain slavery. Let us consider we are

struggling for our best birthrights and inheritance, which, being infringed, renders all our blessings precarious in their enjoyment, and trifling in their value." Most of the towns held meetings, appointed committees of correspondence, and passed resolutions similar to those of Boston, and some of them even in still bolder language.† These proceedings greatly alarmed the governor and his political friends, who had hoped that the opposition to the British ministry would gradually cease; and that, through fear of ministerial and royal resentment, the people would be induced to submit.‡ After the votes and the circular address of Boston were adopted, and before the other towns had meetings to act upon them, endeavours were made in many places to prevent the people from approving the statement and report of the patriots in the capital. But these attempts were generally without effect. There were in every town some intelligent men, who perfectly understood the nature of the dispute with Great Britain, and who saw the evil tendency of the claims of administration to govern the colonies. "They were," says Mr. Bradford, "also a sober, moral, and religious people, who were actuated by principle; and who, while they contended earnestly for that portion of liberty secured to them by their charter, and which they had long enjoyed, were indisposed to all unconstitutional means of redress."§ In his speech at the opening of the assembly, in January, 1773, the governor declared these meetings of the inhabitants to be unwarrantable and of dangerous tendency; and he called upon the assembly "to join in discountenancing such irregularities and innovations." Alluding to these proceedings, and to the disordered state of the province, he says, "at length the constitution has been called in question, and the authority of the parliament of Great Britain to make and establish laws for the inhabitants of this province has been by many denied." He maintained in the most explicit manner the supremacy of parliament over the colonies, agreeably to the principles of the declaratory act; and his speech was conceived to be a challenge to the assembly on the great question between the two countries. This drew answers from the council and house in vindication of the proceedings

* Steadman's History of the American War, p. 81.

† Pitkin, vol. i. p. 247—250.

‡ Mr. Hutchinson himself states that he "was greatly alarmed with so sudden and unexpected a change in the state of affairs; and he was greatly perplexed with doubts concerning his own conduct upon the occasion. He had avoided engaging in a dispute upon the authority of parliament, having good reason to think, that administration in England expected that the colonies would return to their former state of submission to this authority, by lenient measures, without discussing points of right; and he knew that great pains had been taken to persuade the people in England, as well as

the ministry, that this was all the people in America expected or desired; and that suspicions of other views, either in the body of the people, or in men who had influence over them, were groundless, and had been caused by misrepresentations of governors, and other crown officers in the colonies, in order to promote their own sinister views. But now, a measure was engaged in, which, if pursued to effect, must cause, not a return of the colonies to their former submission, but a total separation from the kingdom, by their independency upon parliament, the only band which could keep them united to it."—Hutchinson's History, p. 370.

§ History of Massachusetts, from 1764 to 1775, p. 262.

of the towns, and of the rights of the colonies, and of Massachusetts in particular; to these the governor replied, and to this reply both the council and house rejoined. These state papers, as they may be justly called, were drawn with no ordinary ability on both sides. The governor was a gentleman of talents, as well as research, and no one was better acquainted with the history of the province over which he presided. The answers of the council and house were prepared by committees composed of men of the first talents in the assembly. They evinced not only a thorough knowledge of the rights of the colonists generally, but of their own provincial history, and the various controversies that had subsisted between the parent country and the people of Massachusetts from their first settlement, as well as the views entertained and expressed at different times by their ancestors on the subject of their rights.

Active resistance to the measures of the British government in relation to the colonies, had for some time been principally confined to Massachusetts. The other colonists, however, had not been idle or indifferent spectators of the scenes that had passed in Massachusetts. The leading patriots of America, no doubt, now began seriously to contemplate the mighty struggle to which the present state of things must finally lead. The parent country seemed determined not to relax, and the colonists were equally determined not to submit. To remain long in their present state seemed impossible; and in the event of an opposition by force, unity of action, as well as of sentiment, was all important. To promote this object, the house of burgesses in Virginia originated what ultimately proved a powerful engine of resistance—a committee for corresponding with the legislatures of the several colonies. It was resolved that it should be the business of this committee, “to obtain the most early and authentic intelligence of such acts and resolutions of the British parliament, or proceedings of administration, as may relate to or affect the British colonies; and to keep up and maintain a correspondence and communication with our sister colonies, respecting these important considerations, and the result of their proceedings from time to time, to lay before the house.” It was also resolved, “that the speaker of this house do transmit to the speakers of the different assemblies of the British colonies on this continent, copies of the said resolutions, and desire that they will lay them before their respective assemblies, and request them to appoint some person or persons, of their respective bodies, to communicate from time to time with the said committee.” The request of Virginia was complied with by the dif-

ferent assemblies; and by this means a confidential communication and interchange of opinions was kept up between the colonies.

The appointment of Lord Dartmouth in the room of Lord Hillsborough, as secretary of state for the American department, a person supposed to be more favourable to the colonies, revived the hopes of the colonists for a reconciliation on terms compatible with their rights. Animated with these hopes, both houses of the Massachusetts assembly addressed a letter to the new secretary, in which they declare they should “rejoice at the restoration of the harmony and good will that once subsisted between the parent state and them.” This happiness, however, they should expect in vain, they observed, during the continuance of their grievances, and while their chartered rights, one after another, were wrested from them. “If your lordship should condescend to ask,” they say, “what are the measures of restoring the harmony so much desired, we should answer, in a word, that we are humbly of opinion, if things were brought to the general state in which they stood at the conclusion of the late war, it would restore the happy harmony which at that time subsisted;” and, in conclusion, they most earnestly request his lordship’s influence in bringing about this happy event. But to retrace their steps was too humiliating to the pride of the British cabinet and nation. A change of men did not produce a change of principles, or any permanent change of measures.

The British government, having determined to carry into execution the duty on tea, attempted to effect by policy what was found to be impracticable by constraint. The measures of the colonists had already produced such a diminution of exports from Great Britain, that the warehouses of the East India Company contained about seventeen millions of pounds of tea, for which a market could not readily be procured. The unwillingness of that company to lose their commercial profits, and of the ministry to lose the expected revenue from the sale of the tea in America, led to a compromise for the security of both. The East India Company were authorized by law to export their tea, free of duties, to all places whatever; by which regulation, tea, though loaded with an exceptionable duty, would come cheaper to America than before it had been made a source of revenue. The crisis now approached, when the colonies were to decide whether they would submit to be taxed by the British parliament, or practically support their own principles, and meet the consequences. One sentiment appears to have pervaded the entire continent. The new ministerial plan was universally

considered as a direct attack on the liberties of the colonists, which it was the duty of all to oppose. A violent ferment was every where excited; the corresponding committees were extremely active and it was very generally declared, that whoever should, directly or indirectly, countenance this dangerous invasion of their rights, would be an enemy to his country. The East India Company, confident of finding a market for their tea, reduced as it now was in its price, freighted several ships to the colonies with that article, and appointed agents for the disposal of it. Cargoes were sent to New York, Philadelphia, Charleston, and Boston. The inhabitants of New York and Philadelphia sent the ships back to London, "and they sailed up the Thames to proclaim to all the nation that New York and Pennsylvania would not be enslaved." The inhabitants of Charleston unloaded the tea, and stored it in cellars, where it could not be used, and where it finally perished.

At Boston, before the vessels arrived with it, a town-meeting was called to devise measures to prevent the landing and sale within the province. The agreement not to use tea while a duty was imposed, was now solemnly renewed; and a committee was chosen to request the consignees of the East India Company neither to sell nor unlade the tea which should be brought into the harbour. They communicated the wishes of the town to the merchants, who were to have the custody and sale of the tea; but they declined making any such promise, as they had received no orders or directions on the subject. On the arrival of the vessels with the tea in the harbour of Boston, another meeting of the citizens was immediately called. "The hour of destruction," it was said, "or of manly opposition, had now come;" and all who were friends to the country were invited to attend, "to make a united and successful resistance to this last and worst measure of the administration." A great number of people assembled from the adjoining towns, as well as from the capital, in the celebrated Faneuil Hall, the usual place of meeting on such occasions, but the meeting was soon adjourned to one of the largest churches in the town. Here it was voted, as it had been at a meeting before the tea arrived, that they would use all lawful means to prevent its being landed, and to have it returned immediately to England. After several days spent in negotiations, the consignees still refused to return the tea, and, fearing the vengeance of an injured people, they retired to the castle. The owner of the ship which brought the tea was unable to obtain a pass for her sailing, as the officer was in the interest

of the British ministers. Application was then made to the governor, to order that a pass be given for the vessel; but he declined interfering in the affair. When it was found no satisfactory arrangement could be effected, the meeting broke up; but, late in the evening, a number of men, disguised as Mohawk Indians, proceeded to the vessels, then lying at the wharf, which had the tea on board, and in a short time every chest was taken out, and the contents thrown into the sea; but no injury was done to any other part of their cargoes. The inhabitants of the town, generally, had no knowledge of the event until the next day. It is supposed, the number of those concerned in the affair was about fifty; but who they were has been only a matter of conjecture to the present day.

This act of violence, which, in its effects, rapidly advanced the grand crisis, appears rather to have been the result of cool determination, than of a sudden ebullition. The populace appear to have been fully warned by their leaders as to the important consequences which would result from any destruction of the property of the East India Company. "One of the citizens,* equally distinguished as a statesman and a patriot," says Bradford, "addressed the meeting with unusual warmth and solemnity. He seemed deeply impressed with a sense of the serious consequences of their proceedings on this interesting occasion. The spirit then displayed, and the sentiments then avowed, he warned them, should be such as they would be ready to approve and maintain at any future day. For, to retreat from the ground they should then take, would bring disgrace on themselves, and ruin on the country." That Mr. Quincy did not overrate the importance of that memorable day, will be very apparent in the sequel.

CHAPTER IV.

THE REVOLUTION.—FROM THE BOSTON PORT BILL TO THE DECLARATION OF INDEPENDENCE.

THE British ministry appear to have been highly gratified that the town of Boston, which they ever regarded as the focus of sedition in America, had rendered itself, by the violent destruction of the property of the East India Company, obnoxious to their severest vengeance. On the 7th of March, Lord North presented a message from his majesty to both houses of parliament, in which it was stated, that, "in con-

* Josiah Quincy.

sequence of the unwarrantable practices carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston, with a view of obstructing the commerce of this kingdom, and upon grounds and pretences immediately subversive of its constitution, it was thought fit to lay the whole matter before parliament, recommending it to their serious consideration what further regulations or permanent provisions might be necessary to be established." The minister, on presenting the papers, represented the conduct of Boston in the darkest colours. He said, "that the utmost lenity on the part of the governor, perhaps too much, had been already shown; and that this town, by its late proceedings, had left government perfectly at liberty to adopt any measures they should think convenient, not only for redressing the wrong sustained by the East India Company, but for inflicting such punishment as their factious and criminal conduct merited; and that the aid of parliament would be resorted to for this purpose, and for vindicating the honour of the crown, so daringly and wantonly attacked and contemned." In reply to the royal message, the house voted, "that an address of thanks should be presented to the king, assuring his majesty that they would not fail to exert every means in their power of effectually providing for the due execution of the laws, and securing the dependence of the colonies upon the crown and parliament of Great Britain." In a few days a bill was introduced "for the immediate removal of the officers concerned in the collection of customs from Boston, and to discontinue the landing and discharging, lading and shipping of goods, wares, and merchandise, at Boston, or within the harbour thereof." The bill also levied a fine upon the town, as a compensation to the East India Company for the destruction of their teas, and was to continue in force during the pleasure of the king. The opposition to this measure was very slight, and it was finally carried in both houses without a division.

This, however, was only a part of Lord North's scheme of coercion. He proposed two other bills, which were intended to strike terror into the province of Massachusetts, and to deter the other colonies from following her example. By one of these, the constitution and charter of the province were completely subverted, all power taken out of the hands of the people, and placed in those of the servants of the crown. The third scheme of Lord North was the introduction of "a bill for the impartial administration of justice in Massachusetts." By this act, persons informed against or indicted for any act done for the support of the laws of the revenue, or for the sup-

pression of riots in Massachusetts, might, by the governor, with the advice of the council, be sent for trial to any other colony, or to Great Britain; an enactment which, in effect, conferred impunity on the officers of the crown, however odious might be their violations of the law.

Some distinguished statesmen opposed these plans of administration with great eloquence and zeal. The celebrated Burke declared that "it was only oppressive and unjust laws which the people had opposed; that it was most unreasonable to condemn them without a hearing; and that constitutional principles were not to be settled by the military arm." Pownall observed, that "it was no longer a matter of opinion with the citizens of Massachusetts; that things had come to action; that the Americans would resist all attempts to coerce them, and were prepared to do it; and that if there should be a rebellion in that province, the question would be, who caused it?" The Duke of Richmond, the Marquis of Rockingham, and other peers, insisted that the charter was a solemn contract, which neither the king nor parliament could justly annul or alter, without the consent of the subjects in Massachusetts, unless they had forfeited their rights by an infraction of its provisions. Lord Chatham also opposed these plans of the administration with all his former energy and spirit; although at this time he was in such a debilitated state that he seldom took part in the debates in parliament. He declared himself most decidedly in favour of conciliatory measures; for he was of opinion that the province had been oppressed, and the liberties of the subject therein most flagrantly violated. He believed that just measures on the part of ministers would quiet the colonies, and restore harmony between them and the parent state. He denounced the proposed system as unconstitutional and tyrannical, and predicted that the people of Massachusetts would never submit to such palpable and repeated violations of their political rights. Colonel Barre also addressed the ministry on the last bill, in the following bold and energetic language: "You have changed your ground. You are becoming the aggressors, and offering the last of human outrages to the people of America, by subjecting them to military execution. Instead of sending them the olive branch, you have sent the naked sword. By the olive branch, I mean a repeal of all the late laws, fruitless to you, and oppressive to them. Ask their aid in a constitutional manner, and they will give it to the utmost of their ability. They never yet refused it, when properly required. Your journals bear the recorded acknowledgments of the zeal with which they have con-

tributed to the general necessities of the state. What madness is it that prompts you to attempt obtaining that by force, which you may more certainly procure by requisition? They may be flattered into any thing, but they are too much like yourselves to be driven. Have some indulgence for your own likeness; respect their sturdy English virtue; retract your odious exertions of authority; and remember, that the first step toward making them contribute to your wants, is to reconcile them to your government."

These measures of the British ministry originated partly in mistaken views of the opinions and temper of the people. Great misrepresentations had been made for several years to the administration in England, respecting the state of the colonies. It was declared by the officers of the crown and some other individuals, that it was only a few ambitious persons who objected to the policy of the parent state, while the friends and agents of the people were not permitted to be heard in their attempts to show the general dissatisfaction. It is also true that Lord North, and several other members of the British cabinet at this period, possessed high notions of the supremacy of parliament, and of the sovereign power of the king: the more correct and just principles of civil liberty, recognised in 1689, and still received by many eminent statesmen in England, were not in fashion with the court party. Assuming the doctrine of the supreme and unlimited authority of parliament over all parts of the empire, (which, in a certain sense, restricted and qualified, however, by great constitutional principles, had been generally admitted in the colonies,) ministers insisted that the power of the parent government was entirely without control; and contended for the legitimacy of measures which the patriots in both countries considered most arbitrary, and wholly destructive of the liberties of the subject. With these views of government, they maintained that any measures were justifiable for supporting the authority of the king and parliament; and they calculated upon bringing the refractory and disaffected to ready submission by severity and force. It will soon be apparent, however, that it was not a faction in Boston by which opposition was kept alive in America; and that through this and the other provinces but one sentiment prevailed as to the oppressive and arbitrary conduct of the parent government, and one determination to oppose and prevent the continuance of such a system of policy.

Notwithstanding these successive measures, from which such important results were professedly expected, it is evident that the government entertained serious apprehensions that an appeal to arms was by

no means improbable. The English cabinet sought, therefore, to ingratiate themselves with the newly acquired province of Canada, and the proceedings they adopted with this view appear to have been the only measures which were characterized by the slightest indications of wisdom. The Canadian noblesse had enjoyed great authority under the dominion of their native country, and they had recently been complaining of the abridgment of their privileges, while the inhabitants, who were chiefly catholic, had been viewing with jealousy the superior privileges of the protestants;* Lord North, therefore, did not suffer the session to close without introducing a bill calculated to insure the affections of the Canadians. It erected a legislative council, nominated by the crown, on whom very extensive powers were conferred, which was highly gratifying to the Canadian nobility; the catholic clergy were established in their privileges, and a perfect equality between their religion and that of protestants was established; the French laws were confirmed, and trial without jury permitted in all except criminal cases. To afford a wider field for ministerial manœuvres, the limits of the province of Quebec were extended to the river Ohio. To these prudent concessions to the sentiments of the Canadians may be attributed, in a great measure, the singular fact of their remaining attached to the British government during the revolutionary contest, when it might not unreasonably have been anticipated that they would have been the first to throw off a foreign yoke, and declare their independence.

As a measure indicative of a determination to conduct the proceedings against the refractory colonists with the utmost vigour, General Gage was appointed, with powers of the most unlimited extent, to supersede Governor Hutchinson. The offices of governor of the province of Massachusetts and commander of his majesty's forces in America were united in his person. The intelligence of the passing of the Boston port bill had preceded General Gage a few days. The new governor, though it appeared that he entertained serious apprehensions of some disorderly or disrespectful conduct on the part of the people, was received by them with every mark of civility. He had soon occasion to perceive, however, that their politeness to him did not proceed from any fear of his authority, or from any relaxation in their purposes of resistance. On the day after his arrival, the general court having been dissolved by the late governor, a town-meeting was convened and very numerous attended. They declared and resolved,

* Botta, edit. Franc., vol. i. p. 270.

"That the impolicy, injustice, inhumanity, and cruelty of the act, exceed all their powers of expression; and, therefore," they say, "we leave it to the censure of others, and appeal to God and the world."* They also declared it as their opinion, that, "if the other colonies come into a joint resolution to stop all importations from, and exportation to, Great Britain, and every part of the West Indies, till the act be repealed, the same would prove the salvation of North America and her liberties."

The idea was probably entertained by the British ministry, that the other colonies would be inclined rather to avail themselves of the commercial advantages which the closing of one of the chief sea-ports would open to them, than to make common cause with Boston, at the hazard of incurring a similar penalty. In this instance, as in most others, the government made a great miscalculation of the American character. The several colonies lost no time in expressing the deepest sympathy for the sufferings of the inhabitants of Boston, and in contributing to their pecuniary necessities, as well as in affording them moral countenance. In this patriotic course Virginia took the lead: her house of burgesses was in session when the act arrived, and they proceeded to pass an order, which, for the sentiments it expresses, well deserves to be introduced at length.

"Tuesday, the 24th of May, 14 Geo. III. 1774.

"This house being deeply impressed with apprehension of the great dangers to be derived to British America, from the hostile invasion of the city of Boston, in our sister colony of Massachusetts Bay, whose commerce and harbour are, on the first day of June next, to be stopped by an armed force, deem it highly necessary that the said first day of June next be set apart by the members of this house, as a day of fasting, humiliation, and prayer, devoutly to implore the Divine interposition for averting the heavy calamity which threatens destruction to our civil rights, and the evils of civil war; to give us one heart and one mind, firmly to oppose, by all just and proper means,

every injury to American rights; and that the minds of his majesty and his parliament may be inspired from above with wisdom, moderation, and justice, to remove from the loyal people of America all cause of danger, from a continued pursuit of measures pregnant with their ruin.

"Ordered, therefore, That the members of this house do attend in their places, at the hour of ten in the forenoon, on the said first day of June next, in order to proceed with the speaker and the mace to the church in this city, for the purposes aforesaid; and that the Rev. Mr. Price be appointed to read prayers, and to preach a sermon suitable to the occasion."

In consequence of this order, Governor Dunmore on the following day dissolved the house, with this brief speech:

"Mr. Speaker, and gentlemen of the house of burgesses:—I have in my hand a paper published by order of your house, conceived in such terms as reflect highly upon his majesty and the parliament of Great Britain, which makes it necessary to dissolve you, and you are dissolved accordingly."

The members immediately withdrew to the Raleigh tavern, where they formed themselves into a committee to consider of the most expedient and necessary measures to guard against the encroachments which so glaringly threatened them, and immediately adopted the following spirited declaration:

"An association, signed by eighty-nine members of the late house of burgesses. We, his majesty's most dutiful and loyal subjects, the late representatives of the good people of this country, having been deprived, by the sudden interposition of the executive part of this government, from giving our countrymen the advice we wished to convey to them, in a legislative capacity, find ourselves under the hard necessity of adopting this, the only method we have left, of pointing out to our countrymen such measures as, in our opinion, are best fitted to secure our dear rights and liberty from destruction, by the heavy hand of power now lifted against North America. With much grief

* "The Boston port bill," says Mr. Quincy, in his celebrated observations on the act, "condemns a whole town unheard, nay, uncited to answer; involves thousands in ruin and misery, without the suggestion of any crime by them committed; and it is so constituted, that enormous pains and penalties must ensue, notwithstanding the most perfect obedience to its injunctions. The destruction of the tea, which took place without any illegal procedure of the town, is the only alleged ground of consigning thousands of its inhabitants to ruin, misery, and despair. Those charged with the most aggravated crimes are not punishable, till arraigned before disinterested judges, heard in their own defence, and found guilty of the charge; but here a whole people are accused, prosecuted by they know not whom, tried they know not when, proved guilty they know not how, and sentenced to suffer inevitable ruin. Their hard fate cannot be averted by the most servile submission, the

most implicit obedience to this statute. The first intimation of it was on the 10th of May, and it took place on the 1st of June, thence to continue in full force, till it shall sufficiently appear to his majesty, that full satisfaction hath been made by, or in behalf of the inhabitants of Boston, to the East India Company, for the damage sustained by the destruction of their tea; and until it shall be certified to his majesty, by the governor or lieutenant-governor of the province, that reasonable satisfaction has been made to the officers of the revenue and others, for the riots and insurrections mentioned in it. So short a space is given for staying the torrent of threatened evils, that the subject, though exerting his utmost energy, must be overwhelmed and driven to madness by terms of deliverance, which deny relief till his ruin is inevitable."—Pittkin, vol. i. p. 270

we find, that our dutiful applications to Great Britain for the security of our just, ancient, and constitutional rights, have been not only disregarded, but that a determined system is formed and pressed, for reducing the inhabitants of British America to slavery, by subjecting them to the payment of taxes, imposed without the consent of the people or their representatives; and that, in pursuit of this system, we find an act of the British parliament, lately passed, for stopping the harbour and commerce of the town of Boston, in our sister colony of Massachusetts Bay, until the people there submit to the payment of such unconstitutional taxes; and which act most violently and arbitrarily deprives them of their property, in wharves erected by private persons, at their own great and proper expense; which act is, in our opinion, a most dangerous attempt to destroy the constitutional liberty and rights of all North America. It is further our opinion, that as tea, on its importation into America, is charged with a duty imposed by parliament, for the purpose of raising a revenue without the consent of the people, it ought not to be used by any person who wishes well to the constitutional rights and liberties of British America. And whereas the India Company have ungenerously attempted the ruin of America, by sending many ships loaded with tea into the colonies, thereby intending to fix a precedent in favour of arbitrary taxation, we deem it highly proper, and do accordingly recommend it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed. We are further clearly of opinion, that an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied. And for this purpose it is recommended to the committee of correspondence, that they communicate with their several corresponding committees, on the expediency of appointing deputies from the several colonies of British America, *to meet in general congress*, at such place, annually, as shall be thought most convenient; there to deliberate on those general measures which the united interests of America may from time to time require. A tender regard for the interest of our fellow-subjects, the merchants and manufacturers of Great Britain, prevents us from going further at this time; most earnestly hoping, that the unconstitutional principle of taxing the colonies without their consent

will not be persisted in, thereby to compel us, against our will, to avoid all commercial intercourse with Britain. Wishing them and our people free and happy, we are their affectionate friends, the late representatives of Virginia.

"The 27th day of May, 1774."

To give effect to the recommendation of a congress on the part of this colony, delegates were shortly after elected by the several counties, to meet at Williamsburgh on the 1st of August following, to consider further of the state of public affairs, and, more particularly, to appoint deputies to the general congress, which was to be convened at Philadelphia on the 5th of September following. The clear, firm, and animated instructions given by the people of the several counties to their delegates, evince the thorough knowledge of the great parliamentary question which now pervaded the country, and the determined spirit of the colonists to resist the claim of British taxation.

Similar expressions of determined opposition to the port bill, and assurances of support to the disfranchised citizens of Boston, were made wherever the act became known. In some places it was printed upon mourning paper, and hawked about the streets; in others it was publicly burned, with every demonstration of abhorrence. At New York there was a considerable struggle between the friends of administration and the friends of liberty, but the latter at length prevailed by the influence and management of two individuals, who had on several occasions manifested great activity and zeal in their opposition to the obnoxious measures of the ministry. Addresses were also sent from Pennsylvania, the Carolinas, and some other provinces, to the committee of Boston, assuring them of support, and declaring that they considered the cause of Boston as the common cause of the country.

With all these assurances of support and assistance, of sympathy and affection, from their sister colonies, there was still a fearful foreboding in the hearts of the members of the general court, when they assembled at Boston on the 25th of May. Nor was this apprehension lessened by the first official acts of their new governor. At the opening of the court he gave the representatives notice, that, in a few days, he should remove them to Salem; and he also gave his negative to thirteen of the council chosen by the assembly.* The representatives of the people at this critical juncture did not shrink from the high and imperative duties which devolved upon them in defence of political freedom. They had been selected under

* "A censure of this kind, under the circumstances of the times, and by such a character, renders them more deserving of grateful remembrance. They were, J. Bowdoin, S. Dexter, J. Winthrop,

T. Danielson, B. Austin, W. Phillips, M. Farley, J. Prescott, J. Adams, N. Quincy, J. Bowers, E. Freeman, and J. Foster" —Bradford, p. 327.

the belief that a most important crisis was approaching. They adopted resolutions, recommending to the citizens of Boston to be firm and patient, to the people through the province to assist their brethren in the metropolis, and to all to refrain entirely from the use of British goods, and of other foreign articles subject to a duty; conceiving this to be a lawful and most efficient means of convincing the parent government of their opposition to the recent oppressive measures, and of prevailing on ministers to relax in their arbitrary and severe conduct towards Massachusetts. They also requested the governor to appoint a day for public religious worship and prayer. And as he declined doing it, they recommended the observance of a particular day for that solemn service, in imitation of their pious ancestors, who, on all occasions of public distress and danger, humbly sought to the Almighty for guidance and protection. But the most important measure adopted at this eventful period, and in preparing which a large committee was occupied through the greater part of the session, was that of choosing five members of the house as delegates to a general continental congress; and of giving immediate information thereof to all the other colonies, with a request that they would appoint deputies for the same purpose. A measure of this kind had been already suggested, both in Massachusetts and in several of the other colonies, but nothing definite or decisive had been done; nor had any committees or deputies been elected with this design.* The patriots in this province were convinced that the time had arrived for a more efficient and united stand in defence of their rights. They did not, however, even now, contemplate independence; but they were resolved to show the British ministry that a determination prevailed through all the colonies to oppose their arbitrary and oppressive plans of governing America; hoping, probably, for a new administration, whose views would be more conciliatory and just. The preamble to the resolution for choosing delegates to meet in a general congress states concisely the reason which induced the house to adopt this important measure. It was as follows:—

“This house, having duly considered, and being deeply affected with the unhappy differences which have long subsisted and are increasing between Great Britain and the American colonies, are of opinion, that a meeting of committees from the several colonies on this continent is highly expedient and necessary, to consult upon the present state of the country, and the

miseries to which we are and must be reduced by the operation of certain acts of parliament; and to deliberate and determine upon wise and proper measures, to be by them recommended to all the colonies, for the recovery and establishment of our just rights and liberties, civil and religious; and the restoration of union and harmony between Great Britain and America, which is most ardently desired by all good men.’

While the house were engaged in considering this measure, the governor received notice of their design from one of the members politically attached to him, and immediately directed that they should be dissolved. The door-keeper was ordered to admit no person into the house; but soon after the secretary proceeded, by his excellency’s command, to the door of the room in which the representatives were sitting, and read a proclamation for dissolving the assembly; and when the resolutions were adopted respecting the delegates to congress, and an order was passed for their compensation, the house separated. In this measure, it was easy to perceive the commencement of a general and open opposition to the parent government; which, without either a great change in the policy of the English cabinet, or servile submission on the part of the colonies, through an apprehension of a more wretched condition under a powerful military force, would produce a struggle, to be determined only by superior physical power.

The two last of the coercive enactments of the British legislature, did not reach Boston till July. By one, the governor alone was authorized to appoint all civil officers; and by the other, the counsellors were to be selected by the king and his ministers in England. A list of those appointed was soon made known, and gave great dissatisfaction, as they were the most unpopular characters in the province. To add to the anxiety which now pervaded every breast, a large military force was ordered into the province, an act of parliament having been passed, which directed the governor to provide quarters for them in any town he might choose. “Thus the charter, the palladium of their rights and privileges, under the shelter of which they had formerly felt themselves safe, at least from systematic tyranny, was wantonly violated by the arbitrary will of a favourite minister. They were to be governed entirely by strangers, and those in whom they had no confidence; and foreign mercenaries were provided to stifle the murmurs occasioned by oppression, and to check the efforts of a

* The proceedings of the delegates in Virginia, already referred to, were a few days subsequent to those of the general court of Massachusetts.

† The resolution was adopted by a vote of one hundred and six-

teen to twelve, and the following distinguished citizens, whose talents and patriotism placed them high in the esteem and confidence of the people, were then appointed: T. Cushing, S. Adams, R. T. Paine, J. Bowdoin, and J. Adams.

generous patriotism, which ministerial threats had not been able to silence or prevent. The intelligent citizens, who composed the committees of correspondence, and others distinguished by their activity and firmness, were openly threatened by the servile tools of despotism, and marked out as victims to appease a tyrannical administration. But, happily for their countrymen, and happily for posterity, they were not moved from their high purpose by the menaces of the corrupt or powerful. Satisfied of the justice of their cause, they resolved to attempt every thing, and hazard every thing for its support."^{*}

It had been agreed by the delegates which had now been appointed by most of the colonies, that they should meet in general congress in September; and the desire to await the result of its determinations prevented any violent proceedings during the interim; while, however, great attention was given by the inhabitants to military discipline. Independent companies were formed, who elected their own officers, many of whom had served during the French war, and were well able to instruct their pupils in military tactics. On the other hand, General Gage was no less active in adopting measures calculated, in his estimation, to overawe the inhabitants, and to deter them from having recourse to force. With this view, although ostensibly for the purpose of preventing desertion, he fortified the isthmus which connects Boston with the main land, called Boston Neck, the only entrance by land into the town of Boston, and therefore the only route by which, according to the port bill, the merchants and traders could carry on their business. This measure, however, served only the more to exasperate the people, and the subsequent seizure of the gunpowder at Charlestown, added to their alarm.

Before day-break, on the 1st of September, General Gage despatched a party of soldiers to bring into his own custody a quantity of provincial powder from the arsenal at Charlestown. Immediately this transaction became generally known; the inhabitants of the neighbouring towns flew to arms, and agreed on Cambridge as a general rendezvous; and it was with great difficulty that they were dissuaded, by their more prudent leaders, from marching at once to Boston, to require the restoration of the powder, or, in case of refusal, to attack the garrison. Their presence at Cambridge, however, induced several gentlemen to resign their appointments as counsellors under the late act of parliament, and to declare they would not take any part in carrying into execution the obnoxious measures of the ministry. Before the agitation

occasioned by this movement was tranquillized, a rumour was, probably not without design, rapidly circulated throughout the whole province, that the garrison and fleet were firing on the town of Boston; and in a few hours between thirty and forty thousand men, of all arms, were in motion towards the capital; and although they retired when satisfied of the falsity of the rumour, the readiness with which so powerful a demonstration of physical force was effected, gave additional boldness to the leaders of the patriotic cause.

It was under the excitement of these circumstances that, in defiance of the act of parliament, and the governor's proclamation founded upon it, prohibiting public assemblies, the county of Suffolk, of which Boston was the capital, elected delegates to meet for the purpose of taking into consideration the most proper course to be adopted in the present state of affairs. With a boldness and decision surpassing that of any former assembly, they passed resolutions declaring themselves constitutionally exempt from all obedience to the late measures of the British parliament, that the government of the province was in fact dissolved, and that they should consider all persons who dared to act in any official capacity under the new regulations as open enemies of their country. They sent a copy of their resolutions, and of their letter to the governor, with his answer, to the general congress, upon whose judgment they rested the decision of their future conduct.

This congress, which will ever be celebrated in the page of history, and held sacred in the annals of liberty, met at Philadelphia, on the 5th of September. Representatives from eleven of the colonies were present at the opening, and those from North Carolina arrived shortly after; Georgia alone having demurred to send delegates. Peyton Randolph, of Virginia, was elected president, and Charles Thompson, of Philadelphia, secretary; and after a brief controversy on the mode of voting, which resulted in the determination that each province should have only one vote, whatever number of delegates might be present, the assembly proceeded to business with all the solemnity of an organized legislature. "The most eminent men of the various colonies were now, for the first time, brought together. They were known to each other by fame, but they were personally strangers. The meeting was awfully solemn. The object which had called them together was of incalculable magnitude. The liberties of no less than three millions of people, with that of all their posterity, were staked on the wisdom and energy of their councils. No wonder, then, at the long and

* Bradford's History from 1764 to 1775, p. 332.

deep silence which is said to have followed upon their organization; at the anxiety with which the members looked round upon each other; and the reluctance which every individual felt to open a business so fearfully momentous. In the midst of this deep and death-like silence, and just when it was beginning to become painfully embarrassing, Mr. Henry arose slowly, as if borne down by the weight of the subject. After faltering, according to his habit, through a most impressive exordium, in which he merely echoed back the consciousness of every other heart, in deploring his inability to do justice to the occasion, he launched gradually into a recital of the colonial wrongs.—Rising, as he advanced, with the grandeur of his subject, and glowing at length with all the majesty of the occasion, his speech seemed more than that of mortal man.* Mr. Henry was followed by Mr. Richard Henry Lee, in a speech scarcely less powerful, and still more replete with classic eloquence. One spirit of ardent love of liberty pervaded every breast, and produced a unanimity as advantageous to the cause they advocated, as it was unexpected and appalling to their adversaries.

One of the first acts of this assembly was the appointment of a committee, consisting of two from each colony, to state the rights of the colonies in general, the several instances in which those rights had been violated, and the means most proper to be pursued for obtaining a restoration of them. While these important subjects were before the committee, the proceedings of the delegates of the county of Suffolk, to which we have before alluded, were laid before congress; and on the 8th of October that assembly adopted the following resolutions:

“Resolved,—That this congress do approve of the opposition made by the inhabitants of Massachusetts Bay to the execution of the late acts of parliament; and if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition.

“Resolved,—That it is the opinion of this body, that the removal of the people of Boston into the country, would be not only extremely difficult in the execution, but so important in its consequences as to require the utmost deliberation before it is adopted. But in case the provincial meeting of that colony shall judge it absolutely necessary, it is the opinion of this congress, that all America ought to contribute towards recompensing them for the injury they may thereby sustain; and it will be recommended accordingly.

“Resolved,—That this congress do recommend to the inhabitants of the colony of Massachusetts Bay, to submit to a suspension of the administration of justice, when it cannot be procured in a legal and peaceable manner, under the rules of the charter, and the laws founded thereon, until the effects of our application for a repeal of the acts, by which their charter rights are infringed, is known.

“Resolved, unanimously,—That every person or persons whosoever, who shall take, accept, or act under any commission or authority, in any wise derived from the act passed in the last session of parliament, changing the form of government and violating the charter of the province of Massachusetts Bay, ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism which is preparing to destroy those rights which God, nature, and compact, have given to America.”

The congress proceeded with great deliberation; its debates were held with closed doors, and the honour of each member was solemnly engaged not to disclose any of the discussions till such disclosure was declared advisable by the majority. It was not till the 14th of October that the following series of resolutions, which may be regarded as their grand declaration of rights and of grievances, was passed and promulgated. To abridge or analyze them would be an equal injustice to the memory of their authors, and to the fidelity of history; we therefore present them entire.

“Resolved, unanimously,—That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights:

“1. That they are entitled to life, liberty, and property; and they have never ceded to any foreign power whatever a right to dispose of either without their consent.

“2. That our ancestors, who first settled these colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects within the realm of England.

“3. That by such emigration they by no means forfeited, surrendered, or lost, any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them as their local and other circumstances enable them to exercise and enjoy.

“4. That the foundation of English liberty, and of all free governments, is a right in the people to parti-

* Wirt's Life of Henry, p. 105, 106.

cipate in their legislative council : and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented, in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal policy, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament as are, *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefit of its respective members ; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

" 5. That the respective colonies are entitled to the common law of England, and, more especially, to the great and inestimable privilege of being tried by their peers of the vicinity, according to the course of that law.

" 6. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

" 7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

" 8. That they have a right peaceably to assemble, consider of their grievances, and petition the king ; and that all prosecutions, prohibitory proclamations, and commitments, for the same, are illegal.

" 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

" 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other ; that therefore the exercise of legislative power, in several colonies, by a council appointed during pleasure by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

" All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and

liberties, which cannot be legally taken from them, altered, or abridged, by any power whatever, without their consent, by their representatives in their several provincial legislatures.

" In the course of our inquiry," they proceed to say, " we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

" Resolved,—That the following acts of parliament are infringements and violations of the rights of the colonists, and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies ; viz. the several acts of 4 Geo. III. c. 15 and 34, 5 Geo. III. c. 25, 6 Geo. III. c. 52, 7 Geo. III. c. 41 and 46, 8 Geo. III. c. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might be otherwise liable to, requiring oppressive security from a claimant of ships and goods seized before he shall be allowed to defend his property ; and are subversive of American rights.

" Also, 12 Geo. III. c. 24, entitled, ' An act for the better securing his majesty's dock yards, magazines, ships, ammunition, and stores,' which declares a new offence in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

" Also, the three acts passed in the last session of parliament, for stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachusetts Bay, and that which is entitled, ' An act for the better administration of justice,' &c.

" Also, the act passed in the same session, for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law, and government) of the neighbouring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

" Also, the act passed in the same session, for the

better providing suitable quarters for officers and soldiers in his majesty's service in North America.

"Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

"To these grievous acts and measures, Americans cannot submit; but in hopes their fellow-subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have, for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation association; 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America; and, 3. To prepare a loyal address to his majesty, agreeably to resolutions already entered into."*

An agreement to abstain from commercial intercourse with Great Britain, was signed by all the members of this congress. By this instrument they were bound not to import, directly or indirectly, any goods from Great Britain or Ireland, after the 1st of December, 1774; and in case the acts complained of should not be repealed by the 10th of September, 1775, they agreed not to *export* to Great Britain, Ireland, or the West Indies, any commodities or merchandise whatever, except rice to Europe. They at the same time agreed to encourage frugality, economy, and industry, and to promote the agriculture, arts, and manufactures of their own country, especially wool. Committees were to be appointed in every county, city, or town, to see that the agreement was observed; and the names of the violators of it were to be published in the gazettes, as enemies to the rights of America; and in that case no dealings were to be had with them.

Upon the principles, and in the spirit of the preceding resolutions, was composed an address to the people of Great Britain, as also one to the king; a statement to the aggrieved colonies, and an address to the inhabitants of Canada. These documents were drawn up with great ability. The gentlemen selected from the several colonies for this memorable congress, were no less distinguished for their talents than their patriotism; and when perusing these state papers, no one can fail to regret that the speeches delivered on that occasion, by such distinguished statesmen and orators as John Adams, John Jay, Richard Henry Lee, Patrick Henry, John Dickinson, Samuel Chase, John Rutledge, and many others of that illustrious band of patriots, are lost to the world.

In their address to the people of Great Britain, after enumerating the several acts of parliament deemed to be violations of their rights, they appeal, with peculiar force of language, to the generosity, to the virtue, and to the justice of the nation, for relief. "You have been told," say they, "that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory, and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the whole empire; we shall consider your enemies as our enemies, and your interest as our own. But if you are determined that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you, that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world."

The address of congress to the king was couched in language respectful, and even affectionate; nor is there any just ground to suspect its authors of hypocrisy; they had not yet been driven to familiarize themselves with the idea of separation from the British crown. One extract will afford a specimen of that union of firmness and affection which pervades the whole. "Permit us, then, most gracious sovereign, in the name of all your faithful people in America, with the utmost humility, to implore you, for the honour of Almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interests of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions, threatened with almost unavoidable dangers and distresses; that your majesty, as the loving father of your whole people, connected by the same bonds of law, loyalty, faith, and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be further violated, in uncertain expectations of effects that, if obtained, never can compensate for the calamities through which they must be gained."

In their address to the inhabitants of Quebec, congress endeavoured to convince them that the late act respecting that province had deprived them of many of their rights and privileges, and to persuade them to unite in obtaining redress, as well as to join the confederacy; while to the inhabitants of the ag-

* Journals of Congress, vol. i. p. 28—30. Pitkin, vol. i. p. 285—288. Allen, vol. i. p. 210.

grieved colonies they presented a detailed account of the violations of their rights since the year 1763, as well as the reasons for the pacific mode of redress adopted by them; and concluded by observing, "From the detail of facts herein before recited, as well as from authentic intelligence received, it is clear beyond a doubt, that a resolution is formed, and now carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotic government."

Finally, they resolved upon the expediency of holding another congress at the same place, on the 10th of May, 1775, unless it should be rendered unnecessary by a previous redress of grievances. Having thus completed their important transactions in a session of fifty-two days, they dissolved themselves on the 26th of October.

A majority of the members of this congress had little doubt that the measures taken by them, if supported by the American people, would produce a redress of grievances. Richard Henry Lee said to Mr. Adams, "We shall undoubtedly carry all our points. You will be completely relieved; all the offensive acts will be repealed; the army and fleet will be recalled; and Britain will give up her foolish projects." George Washington was of opinion, that with the aid of both the non-importation and the non-exportation system, America would prevail. Patrick Henry concurred in opinion with Mr. Adams, that the contest must ultimately be decided by force.* "The proceedings of this celebrated congress, the tone and temper of their various resolutions, the style of their addresses, the composition of the several papers that were drawn up by them, were in every particular calculated to excite the admiration of the world. That an assembly of fifty-two men, born and educated in the wilds of a new world, unpractised in the arts of polity, most of them unexperienced in the arduous duties of legislation, coming from distant and distinct governments, differing in religion, manners, customs, and habits, as they did in their views with regard to the nature of their connexion with Great Britain; that such an assembly, so constituted, should display so much wisdom, sagacity, foresight, and knowledge of the world, such skill in argument, such force of reasoning, such firmness and soundness of judgment, so profound an acquaintance with the rights of man, such elevation of sentiment, such genuine patriotism, and, above all, such unexampled union of opinion, was indeed a political phenomenon, to which history has yet furnished no parallel. Nor is it less wonderful that the

whole people of the colonies represented, should have regarded the simple recommendations of this congress with the reverence and obedience due to the strongest ties of law. Even in those colonies where law and authority had been set at defiance, the injunctions of the congress were scrupulously obeyed. The whole country was in that awful calm of expectation, which precedes the bursting of a storm. They were willing to wait the issue of their petitions, but ready to enforce their rights at the risk of life."†

During the session of the congress most of the colonies had adopted the plan of instituting provincial assemblies, regardless of their old form of government. In Massachusetts, General Gage had convoked a general court, to assemble at Salem, on the 5th of October; but events which subsequently transpired, induced him to issue a proclamation dissolving the assembly. The members, however, regarded that proclamation as illegal, and met at Salem on the day appointed. After waiting in vain the whole day for the governor's appearance to administer the oaths, they resolved themselves into a provincial congress, and adjourned to Concord. After appointing John Hancock president, and addressing a communication to the governor, they again adjourned, to meet at Cambridge on the 17th. Here they appointed a committee of safety, and a committee of supplies. They also voted to enlist one fourth of the militia as minute-men, to be frequently drilled, and held in readiness for service at a minute's warning; and after appointing three general officers, they adjourned to the 23d of November. In the mean time the situation of the citizens of Boston was in every respect disagreeable; General Gage, however, seemed to have no disposition to risk an immediate attack upon the Americans. His intention of remaining quiet for the present was evinced by his demand of materials for the construction of winter quarters for his men; but so great was the general detestation of him and his men, that he could procure neither workmen, materials, clothing, nor provisions.

Before the close of the year the busy note of preparation resounded through almost every colony. The Massachusetts committees were indefatigable in providing for the most vigorous defence in the spring. They had procured all sorts of military supplies for the service of twelve thousand men, and had engaged the assistance of the three neighbouring provinces of New Hampshire, Rhode Island, and Connecticut.

While these hostile preparations were proceeding in America, the British monarch was meeting a new

* Pitkin's Political and Civil History, vol. i. p. 301.

† Allen's History of the American Revolution, vol. i. p. 223

parliament. Happily for the independence of America, it proved equally servile, and it must be said equally purblind, with its predecessor. The king informed his parliament, that a most daring resistance and disobedience to the law still prevailed in Massachusetts, and had broken out in fresh violences; that these proceedings had been countenanced and encouraged in the other colonies, and that unwarrantable attempts had been made to obstruct the commerce of the kingdom, by unlawful combinations; and he expressed his firm determination to withstand every attempt to weaken or impair the supreme authority of parliament over all the dominions of the crown. Addresses in answer to the speech, concurring in the sentiments expressed by the king, were carried in both houses, by large majorities.

The cabinet had determined on coercive measures, in case the colonies persisted in their claims. Mr. Quincy, not long after his arrival in England, had an interview with Lord North, as well as Lord Dartmouth, at their special request. The former, on the 19th of November, in conversation on the subject of American affairs, reminded Mr. Quincy of the power of Great Britain, and declared that they were determined "to exert it to the utmost in order to effect the submission of the colonies." "We must try," said he, "what we can do to support the authority we claim over America. If we are defective in power, we must sit down contented, and make the best terms we can; and nobody can blame us after we have done our utmost; but till we have tried what we can do, we can never be justified in receding." Knowing the principal object of Mr. Quincy's visit to England, it was not to be expected that the minister would use the language of concession to him, even if concession were intended; but rather endeavour to impress him with the idea, that it would be impossible for the colonies to resist with any prospect of success: Mr. Quincy, however, from information obtained from other sources, as well as this conversation with the prime minister, was convinced that the Americans had nothing to hope but from forcible resistance. This conviction was communicated to some of his particular friends in America. "I cannot forbear telling you," says Mr. Quincy, in one of his letters of this date, "that I look to my countrymen with the feelings of one who verily believes they must yet seal their faith and constancy to their liberties with blood."

After the recess, parliament met on the 20th of January, and on the same day Lord Chatham moved, "That an humble address be presented to his majesty, most humbly to advise and beseech his majesty, that,

in order to open the way towards our happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and, above all, for preventing, in the mean time, any sudden and fatal catastrophe at Boston, now suffering under daily irritation of an army before their eyes, posted in their town; it may graciously please his majesty that immediate orders may be despatched to General Gage for removing his majesty's forces from the town of Boston, as soon as the rigour of the season and other circumstances, indispensable to the safety and accommodation of the said troops, may render the same practicable." This motion was supported by one of the most eloquent and impressive speeches ever delivered by that distinguished statesman and orator. "My lords," said that patriot peer, "these papers from America, now laid by administration for the first time before your lordships, have been, to my knowledge, five or six weeks in the pocket of the minister; and, notwithstanding the fate of this kingdom hangs upon the event of this great controversy, we are but this moment called to a consideration of this important subject. My lords, I do not wish to look into one of these papers, I know their contents well enough already; I know that there is not a member in this house but is acquainted with their purport also. There ought, therefore, to be no delay in entering upon this matter; we ought to proceed to it immediately; we ought to seize the first moment to open the door of reconciliation. The Americans will never be in a temper or state to be reconciled—they ought not to be, till the troops are withdrawn. The troops are a perpetual irritation to those people; they are a bar to all confidence and all cordial reconciliation. The way must be immediately opened for reconciliation. It will soon be too late. I know not who advised the present measures; I know not who advises to a perseverance and enforcement of them; but this I will say, that whoever advises them ought to answer for it at his utmost peril. I know that no one will avow that he advised, or that he was the author of these measures; every one shrinks from the charge. But somebody has advised his majesty to these measures, and if he continues to hear such evil counsellors, his majesty will be undone; his majesty may indeed wear his crown, but, the American jewel out of it, it will not be worth the wearing. What more shall I say? I must not say the king is betrayed; but this I will say, the nation is ruined. What foundation have we for our claims over America? What is our right to persist in such cruel and vindictive measures against that loyal, respectable people? They say you have no

right to tax them without their consent. They say truly. Representation and taxation must go together; they are inseparable. Yet there is scarcely a man in our streets, though so poor as scarcely to be able to get his daily bread, but thinks he is the legislator of America. 'Our American subjects' is a common phrase in the mouths of the lowest orders of our citizens; but property, my lords, is the sole and entire dominion of the owner: it excludes all the world besides the owner. None can intermeddle with it. It is a unity, a mathematical point. It is an atom; untangible by any but the proprietor. Touch it, and the owner loses his whole property. The touch contaminates the whole mass, the whole property vanishes. The touch of another annihilates it; for whatever is a man's own is absolutely and exclusively his own. How have this respectable people behaved under their grievances? With unexampled patience, with unparalleled wisdom. They chose delegates by their free suffrages; no bribery, no corruption, no influence there, my lords. Their representatives meet with the sentiments and temper, and speak the sense of the continent. For genuine sagacity, for singular moderation, for solid wisdom, manly spirit, sublime sentiments, and simplicity of language, for every thing respectable and honourable, the congress of Philadelphia shine unrivalled. This wise people speak out. They do not hold the language of slaves; they tell you what they mean. They do not ask you to repeal your laws as a favour; they claim it as a right—they demand it. They tell you they will not submit to them; and I tell you the acts must be repealed; they will be repealed; you cannot enforce them. The ministry are checkmated; they have a move to make on the board; yet not a move, but they are ruined. Repeal, therefore, my lords, I say. But bare repeal will not satisfy this enlightened and spirited people. What! repeal a bit of paper! repeal a piece of parchment! That alone will not do, my lords: You must go through the work—you must declare you have no right to tax—then they may trust you; then they will have some confidence in you. My lords, deeply impressed with the importance of taking some healing measures at this most alarming, distracted state of our affairs, though bowed down with a cruel disease, I have crawled to this house to give you my best counsel and experience; and my advice is, to beseech his majesty to withdraw his troops. This is the best I can think of. It will convince America that you mean to try her cause, in the spirit, and by the laws of freedom and fair inquiry, and not by codes of blood. How can she now trust you, with the bayonet at her breast? She has

all the reason in the world now to believe you mean her death, or her bondage. Thus entered on the threshold of this business, I will knock at your gates for justice without ceasing, unless inveterate infirmities stay my hand. My lords, I pledge myself never to leave this business. I will pursue it to the end in every shape. I will never fail of my attendance on it at every step and period of this great matter, unless nailed down to my bed by the severity of disease. My lords, there is no time to be lost; every moment is big with dangers. Nay, while I am now speaking, the decisive blow may be struck, and millions involved in the consequences. The very first drop of blood will make a wound that will not easily be skinned over. Years, perhaps ages, may not heal it. It will be *immedicabile vulnus*: a wound of that rancorous, malignant, corroding, festering nature, that, in all probability, it will mortify the whole body. Let us, then, my lords, set to this business in earnest; not take it up by bits and scraps as formerly, just as exigencies pressed, without any regard to general relations, connexions, and dependencies. I would not, by any thing I have said, my lords, be thought to encourage America to proceed beyond the right line. I reprobate all acts of violence by her mobility. But when her inherent constitutional rights are invaded, those rights which she has an equitable claim to enjoy by the fundamental laws of the English constitution, and which are engrafted thereon by the unalterable laws of nature, then I own myself an American, and feeling myself such, shall, to the verge of my life, vindicate those rights against all men who strive to trample upon or oppose them."

Lord Chatham's motion was seconded by Lord Camden, who affirmed that "whenever oppression begins, resistance becomes lawful and right;" and it was ably supported by the Marquis of Rockingham and Lord Shelburne; but, like all other motions opposed to the views of the ministry, it was lost by a large majority. The administration declared their determination never to relax in their measures of coercion, until America was forced into obedience. This, however, did not prevent Lord Chatham from presenting to the house, soon afterwards, a bill, containing his favourite plan "for settling the troubles, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies." Though this bill, as it contained a direct avowal of the supreme authority of parliament over the colonies, in all cases except that of taxation, could never have received the assent of the Americans, yet, as it expressly denied the parliamentary power of taxing the colonies, without the consent of their as-

semblies, and made other concessions, it was rejected by a large majority on its first reading.*

Immediately after the rejection of Lord Chatham's bill, the minister proposed, in the house of commons, a joint address to the king on American affairs. In this address, which was carried by large majorities, parliament declared that Massachusetts was in a state of rebellion; and that this colony had been supported by unlawful combinations and engagements entered into by several of the other colonies, to the great injury and oppression of his majesty's subjects in Great Britain. Assuring his majesty of their determination never to relinquish the sovereign authority of the king and parliament over the colonies, they requested him to take the most effectual measures to enforce obedience to that authority, and promised him their support at the hazard of their lives and property. Opposition to the address was made in both houses, but in vain. The king, in his answer, declared his firm determination, in compliance with their request, to enforce obedience to the laws and authority of the supreme legislature of the empire. His answer was followed by a message, requesting an increase of his forces by sea and land. The restriction of the trade of the colonies, and a prohibition of the use of the fisheries, was also a part of the ministerial system of measures. The minister began this part of his system with Massachusetts, Connecticut, New Hampshire, and Rhode Island, as being the most obstinate and refractory. On the 10th of February he presented a bill, which soon became a law, restricting the trade of these colonies to Great Britain, Ireland, and the British West Indies, and prohibiting their carrying on any fisheries on the banks of Newfoundland, and other places, for a limited time; and the same restrictions were soon after extended to all the colonies represented in the congress at Philadel-

* Lord Chatham had shown this bill to Dr. Franklin, before he submitted it to the house of lords, but the latter had not an opportunity of proposing certain alterations which he had sketched. Dr. Franklin, however, at the special request of Lord Chatham, was present at the debates upon it. Lord Dartmouth was at first disposed to have the bill lie upon the table; but Lord Sandwich opposed its being received, and moved that it be immediately "rejected with the contempt it deserved. He could never believe," he said, "that it was the production of a British peer; it appeared to him rather the work of some American." Turning his face towards Dr. Franklin, then standing at the bar, "He fancied," he said, "he had in his eye the person who drew it up, one of the bitterest and most mischievous enemies this country had ever known." To this part of the speech of Lord Sandwich, the great Chatham replied, by saying, "that it was entirely his own. This declaration," he said, "he thought himself the more obliged to make, as many of their lordships appeared to have so mean an opinion of it; for if it was so weak or so bad a thing, it was proper in him to take care that no other person should unjustly share in the censure it deserved. It had been heretofore reckoned his vice not to be apt to take advice; but he made no scruple to declare,

phia, with the exception of New York and North Carolina. These bills were opposed by the minority in both houses, as unjust and cruel towards the colonists, involving the innocent with the guilty, and unwise and impolitic in regard to the people of Great Britain. By the loss of their foreign trade and the fisheries, the colonists, it was said, particularly those of New England, would be unable to pay the large balances due from them to the British merchants. But every argument, however just or reasonable, was urged in vain against the measures proposed by the minister. An idea prevailed in Great Britain, that the people of New England were dependent on the fisheries for subsistence, and that, when deprived of these, they would be starved into obedience and submission.

It would appear, that at this period there were some individuals in the confidence of the ministry engaged in conferences with Dr. Franklin, having for their object to ascertain whether terms of reconciliation could be devised. Dr. Franklin acted with his usual prudence in this affair, as was very manifest in the title of the plan he sketched for the persons who consulted him, which he termed, "Hints for conversation, upon the subject of terms that might probably produce a durable union between Great Britain and the colonies." This plan embraced, in seventeen propositions, the principal points in dispute; but, as the negotiations were not avowedly official, and led to no practical result, we shall not enter upon the detail of them.†

On the 20th of February, Lord North astonished both his friends and his opponents, by introducing into the house of commons a proposition of a conciliatory character. It provided, "that when the governor, council, and assembly, or general court of any of his majesty's colonies in America, shall propose to

that if he were the first minister of this country, and had the care of settling this momentous business, he should not be ashamed of publicly calling to his assistance a person so perfectly acquainted with the whole of American affairs, as the gentleman alluded to, and so injuriously reflected on; one whom all Europe held in estimation for his knowledge and wisdom, and ranked with our Boyles and Newtons; who was an honour, not to the English nation only, but to human nature."—*Franklin's Works*, vol. i. p. 322. Pitkin, vol. i. p. 312. Among the papers which had been laid before the house by Lord Dartmouth, was the petition of the congress to the king, in behalf of which the American agents, Dr. Franklin, Mr. Bollen, and Mr. Lee, petitioned to be heard at the bar of the house. But this privilege was refused to them by the ministers, on the ground that the congress was an illegal body, and their petition was rejected by an unusually large majority.

† Those of our readers who may be desirous of pursuing this subject further, we refer to Pitkin's *Political and Civil History*, vol. i. p. 315—322. We take this opportunity of acknowledging our obligations to that very valuable work; certainly the most satisfactory extant, in the department which it occupies.

make provision, according to the condition, circumstances, and situation of such province or colony, for contributing their proportion for the common defence, (such proportion to be raised under the authority of the general court or assembly of such colony, and disposable by parliament,) and shall engage to make provision also for the support of the civil government and the administration of justice in such colony, it will be proper, if such proposal shall be approved by his majesty and the two houses of parliament, and for so long as such provision shall be made accordingly, to forbear, in respect to such colony, to levy any duty, tax, or assessment, except only such duties as it may be expedient to levy or impose for the regulation of commerce; the net proceeds of the duties last mentioned to be carried to the account of such colony respectively."

This unexpected proposition was at first opposed by those who usually acted with the minister, as totally inconsistent with the course of measures just adopted; and they would probably have voted against it, had they not been quieted by explanations, as to its real object, made by his particular friends. By these explanations, in which the minister, whatever might have been his original intentions, concurred, it appeared that the object was to cause a division among the colonies, or, if this should not be the effect, and the reasonable terms offered should be rejected by them, to unite the people of England in strong coercive measures.

The adoption of Lord North's conciliatory scheme did not prevent Mr. Burke and Mr. Hartley from presenting to the house their respective plans of reconciliation. That of the former, founded on the principle of expediency, was to permit the colonies to tax themselves in their assemblies, according to ancient usage, and to repeal all acts of parliament imposing duties in America. Mr. Hartley proposed, that, at the request of parliament, the secretary of state should require a contribution from the colonies for the general expense of the empire, leaving the amount and application to the colonial assemblies. These propositions, though supported by all the eloquence and powerful talents of Mr. Burke, were rejected by the usual ministerial majorities.

["The resolution of the colonists was soon put to a more serious test. A considerable quantity of military stores having been deposited at Concord, an inland town, about eighteen miles from Boston, General Gage purposed to destroy them. For the execution of this design, he, on the night preceding the 19th of April, detached Lieutenant-Colonel Smith and Major Pitcairn, with 800 grenadiers and light-infantry, who,

at eleven o'clock, embarked in boats at the bottom of the common, in Boston, crossed the river Charles, and landing at Phipps' farm, in Cambridge, commenced a silent and expeditious march for Concord. Although several British officers, who dined at Cambridge the preceding day, had taken the precaution to disperse themselves along the road leading to Concord, to intercept any expresses that might be sent from Boston, to alarm the country; yet messengers, who had been sent from that town for the purpose, had eluded the British patrols, and given an alarm, which was rapidly spread by church bells, signal guns, and volleys. On the arrival of the British troops at Lexington, toward five in the morning, about 70 men, belonging to the minute company of that town, were found on the parade, under arms. Major Pitcairn, who led the van, galloping up to them, called out, "Disperse, disperse, you rebels; throw down your arms, and disperse." The sturdy yeomanry not instantly obeying the order, he advanced nearer, fired his pistol, flourished his sword, and ordered his soldiers to fire. A discharge of arms from the British troops, with a huzza, immediately succeeded; several of the provincials fell, and the rest dispersed. The firing continued after the dispersion, and the fugitives stopped and returned the fire. Eight Americans were killed, three or four of them by the first fire of the British; the others, after they had left the parade. Several were also wounded.

"The British detachment proceeded to Concord. The inhabitants of that town, having received the alarm, drew up in order for defence; but, observing the number of the regulars to be too great for them to encounter, they retired over the north bridge, at some distance beyond the town, and waited for reinforcements. A party of British light-infantry followed them, and took possession of the bridge, while the main body entered the town, and proceeded to execute their commission. They disabled two 24 pounders, threw 500 pounds of ball into the river and wells, and broke in pieces about 60 barrels of flour. The militia being re-enforced, Major Buttrick, of Concord, who had gallantly offered to command them, advanced toward the bridge; but, not knowing of the transaction at Lexington, ordered the men not to give the first fire, that the provincials might not be the aggressors. As he advanced, the light-infantry retired to the Concord side of the river, and began to pull up the bridge; and, on his nearer approach, they fired, and killed a captain and one of the privates. The provincials returned the fire; a skirmish ensued; and the regulars were forced to retreat, with some loss. They were soon joined by the main body, and

the whole detachment retreated with precipitancy. All the people of the adjacent country were by this time in arms; and they attacked the retreating troops in every direction. Some fired from behind stone walls and other coverts; others pressed on their rear; and, thus harassed, they made good their retreat six miles back to Lexington. Here they were joined by Lord Percy, who, most opportunely for them, had arrived with a detachment of 900 men, and two pieces of cannon. The enemy, now amounting to about 1800 men, having halted an hour or two at Lexington, recommenced their march; but the attack from the provincials was renewed at the same time; and an irregular, yet very galling fire, was kept up on each flank, as well as in the front and rear. The close firing from behind stone walls, by good marksmen, put them in no small confusion; but they kept up a brisk retreating fire on the militia and minutemen. A little after sunset, the regulars reached Bunker's Hill, where, exhausted with excessive fatigue, they remained during the night, under the protection of the Somerset man-of-war; and the next morning went into Boston." If the Salem and Marblehead regiments had arrived in season to have cut off their retreat, in all probability but few of the detachment would ever have reached Boston. Still the great doctrines of humanity were so deeply impressed upon the minds of the people, already much oppressed, that they forgot, in their sympathy for the distressed, their animosity; and the people of Charlestown, all whigs, still offered the exhausted and dying British soldiers, the same hospitality that they would have afforded friends in distress.

The first act of the great drama was now opened. Blood had flowed, and flowed copiously. The people had now no more doubts on their minds what course they had to pursue. Every workshop, every dwelling-house, every church, was a shrine in which the vows of freemen were made to the God of battles. Cambridge, by a sort of common consent, was fixed upon as a place of general rendezvous, and in a few days twenty thousand freemen were seen in arms, to avenge their wrongs.

The provincial congress of Massachusetts met the next day after the battle of Lexington, and determined the number of men to be raised; fixed on the payment of the troops; voted an issue of paper money; drew up rules and regulations for the army; and all was done in a business-like manner. The other colonies caught the spirit of New England, and the watch-fires of liberty blazed along the whole coast from Falmouth to Charleston. Activity and enterprise were every where conspicuous. A party from Con-

necticut, under the authority of Governor Trumbull, proceeded to the Canada frontiers, and took many pieces of cannon, and, at the same time, the fort at Ticonderoga. Arnold, Allen, and Easton, were conspicuous in this bloodless enterprise; but all agreed that it was one of spirit and discretion. This fort, although in a somewhat dilapidated state, commanded, as it was thought, all our passes to Canada. At this time it was the opinion of several of the officers of the British army, that it would not require a large body of troops to put all things at rest in America. These men reasoned upon general principles, and so far they were correct. An unarmed force, without system or concert, are, in general, but momentary steps to regular troops; but they underrated the military talents and science of the colonists.

At this period, the first minds in Massachusetts were wrought up to a spirit of martyrdom. Adams and Hancock, in the continental congress, instead of flinching at their troubles, spoke out more boldly than ever; and their feelings seemed to pervade the whole people. Gage, by an indiscreet proclamation, kept this fire alive, and little was thought of, but hostile movements. He offered pardon to all but John Hancock and Samuel Adams, whose crimes, he alleged, *deserved condign punishment*. This was to them an enviable elevation, and gave them almost the power of dictators. The military knowledge which was discovered in the provincial officers, astonished the experienced commanders in the British army. From Mystic river to Dorchester heights, a line of fortifications were established, that showed the British that our engineers knew something of the art of war; but still they could not be brought to believe, that such a mass of men, so suddenly collected, could, for a moment, resist British veterans. They were not sanguinary, and hoped that all the difficulties would soon pass away; but in this they were deceived.

The American army had been quartered at Cambridge nearly two months, and no blow had been struck to rid the country of the British troops, or to encourage the natives; some uneasiness seemed to show itself in the camp, and more abroad, that greater energy was not shown; but the wise thought to conquer by *Fabian wisdom*, while others were for decisive measures. The army at Cambridge was known to be large enough to demolish the British, if they could be got at. In this state of feeling, it was thought proper to make some demonstrations of courage, and of an intention of acting *offensively* and *fearlessly*. Col. Prescott was sent with the fragments, or rather, the skeletons of three regiments, on the night of the 16th of June, to occupy a station on Bunker's Hill.

On viewing that eminence, he saw at once that it was an ineligible spot; and he looked along to the right, and found that a spur of that hill, which was now called Breed's Hill, was the most proper situation, in every respect, for a battle-ground. Considering that they were within the limits of their orders, Prescott and Colonel Gridley, the engineers, began a redoubt on the right of Breed's Hill. It was about one hundred and forty feet square, with two open passages for ingress and egress. On the left of the redoubt, running north-easterly, was a breast-work of sods, not much over four feet high; but not, as has been stated, extending to Mystic river; it did not extend one quarter of the way to it. The line from this breast-work was made of two post and rail fences, placed about four feet apart, in parallel lines, and between them was trode the newly mown grass, making quite as good a screen for the militia as the redoubt or the breast work.

General Ward, who commanded the American army, concluding from the firing from Copp's Hill, in Boston, at the early dawn of the morning of the 17th, that the British would make a struggle to get possession of the works, offered to relieve Prescott and his men, but they unanimously declined the offer, but earnestly insisted on re-enforcements. These were reluctantly given, as the commander in chief thought that an attack on his camp was contemplated; and in such case, his camp at Cambridge, indifferently fortified as it was, would be a better place for a general action than Bunker's Hill.

Early in the morning, from the battery on Copp's Hill, one of the men in or near the redoubt was shot, and was instantly buried on the spot; but although the roar of the cannon from Copp's Hill was incessant, no further damage was done by their shots; and in aid of this battery, the Lively, a man-of-war, was brought to bear, and in fact she began the cannonade.

General Gage, wishing to drive the provincials from the hill, sent Major-General Howe and Brigadier-General Pigot, with ten companies of grenadiers, and ten of light-infantry, with some artillery, to perform this service. These generals, reconnoitring the American forces, on their arrival at Morton's Point, thought best to wait for re-enforcements from Boston. For these, Howe waited from about noon to three o'clock, P. M. before the battle was commenced. The British began a slow march up the hill in two lines, stopping at times to give the artillery a chance to play. But the angle of elevation was such, that it did but little execution. The provincials wasted no ammunition; they had but a scanty supply. They were ordered to put four

buck-shots to a bullet, and to reserve their fire until the enemy were at blank-point shot distance. At this moment they poured in upon the approaching foe a most destructive volley. The effect was not more destructive than appalling. The British soldiery, expecting nothing but random shots from undisciplined militia, were astounded at such deadly fires, and their line was broken in confusion. Some companies had not twenty soldiers fit for duty when they were about to rally. The British officers had the greatest difficulty to bring their troops into line again. At length, they came up a second time towards the works, but with some wavering; and in less than fifteen minutes, their line broke in still greater confusion than before. Clinton saw this from Boston, and hastened over to assist Howe. Both the generals addressed the soldiers; called to their mind their former wreaths of glory, and the everlasting disgrace of being beaten by raw militia. Howe swore to them, that he would never survive the disgrace, if they were conquered that day. By this time, Charlestown, consisting of four hundred houses, was in a blaze. This Clinton had done to terrify the neighbouring army. On the third attack they were under the necessity of resorting to skill, not daring to put it on the score of bravery a third time. Pigot, with a considerable force, took a circuitous route around the south side of the hill, and came upon the southwestern angle of the redoubt, and instantly scaled the slight works. Pitcairn was with him, and was shot through the body as he was about to leap into the redoubt. Pigot, being a short man, was lifted by his soldiers on to the sods, and jumped into the area without harm. The provincials were now attacked on the east and on the west; their ammunition was exhausted, and they had but few or no bayonets; and after beating their assailants a while with the butts of their guns, Prescott ordered a retreat. Those at the breast-work and in the redoubt retreated, and those at the rail fence followed, over Charlestown neck, northward.

Until the commencement of the retreat, but few of the Americans had been killed. Their unwillingness to leave the ground at the proper time, was the cause of the considerable number of the killed and wounded. Captain Knowlton having a fine large company near Mystic river, moved up in good order, and covered the retreat of the Americans. The battle ended between five and six o'clock. The wind, during the fight, was brisk and westerly, and drove the smoke directly in the face of the enemy; but as the smoke arose over the heads of the British, the Americans, as it were, looking under the cloud, saw

where to fire. Prescott was all the fight in the redoubt; the other portion of the Massachusetts militia at the breast-works. The New Hampshire troops, under Stark, Dearborn, and others, were at the rail-fence. They were marching from their native state towards Cambridge, and went on to the battle ground by their own impulses, not having received any orders from the commander in chief.

The British had between three and four thousand in the fight. They acknowledged ten hundred and fifty-four killed and wounded, with a great proportion of officers. Their number was most unquestionably larger; for they brought between three and four hundred of the slain, and buried them in the corner of the new burying-ground at the bottom of the common in Boston. The others were buried on Breed's Hill, where they fell.

The Americans had fifteen hundred in the fight, but perhaps there were a few more at times, for volunteers came on to the ground, expended their powder, and retreated, when they could do no more service to the cause. The provincials had one hundred and thirty-nine killed, and three hundred and fourteen wounded and missing. The officers who fell on the American side were, Colonel Gardner of Cambridge, Lieutenant-Colonel Parker of Chelmsford, and Majors Moore and M'Cleary,—all men of distinction and value, and heroes in the cause,—with Major-General Joseph Warren.

General Burgoyne was all the time during the battle seated in the belfry of the North Church of Boston, a most commanding position, to watch the movements of either party. His letter describing the scene was, at that period, considered as one of very graphic power, but it is too general to give the historian much information.

* Joseph Warren was born in Roxbury, near Boston, in the year 1741. His father was a respectable farmer in that place, who had held several municipal offices to the acceptance of his fellow citizens. Joseph, with several of his brothers, was instructed in the elementary branches of knowledge at the public grammar school of the town, which was distinguished for its successive instructors of superior attainments. In 1755 he entered college, where he sustained the character of a youth of talents, fine manners, and of a generous, independent deportment, united to great personal courage and perseverance. An anecdote will illustrate his fearlessness and determination at that age, when character can hardly be said to be formed. Several students of Warren's class shut themselves in a room to arrange some college affairs in a way which they knew was contrary to his wishes, and barred the door so effectually that he could not, without great violence, force it; but he did not give over the attempt of getting amongst them, for, perceiving that the window of the room in which they were assembled was open, and near a spout which extended from the roof of the building to the ground, he went to the top of the house, slid down to the eaves, seized the spout, and, when he had descended as far as the widow, threw himself into the chamber amongst them. At that instant the spout, which was decayed and weak, gave way and fell to the ground. He looked at it without emotion, said that it had served his purpose, and began to take his part in the business. A specta-

Warren assumed no command on that day. He had been commissioned as a major-general by the Provincial congress, but four days previous, and had not taken any command; nor had he, in fact, been sworn into office, except, as every one had an oath in heaven, to live free, or die. Warren was, at the moment of his fall, president of the provincial congress, and chairman of the committee of safety. He had put some one in the chair, and mounted his horse at Watertown, where the legislature was in session, to come and encourage his fellow-citizens in the fight. When he entered the redoubt, Prescott offered him the command, but he declined it, saying, "*I come to learn war under an experienced soldier, not to take any command.*" He was the martyr of that day's glory. His death was felt as a calamity to the *cause* and to the *nation*. He was in the prime of life, being only thirty-five years of age, with a spirit as bold and dauntless as ever was blazoned in legends, or recorded in history. He was a prudent, cautious, but fearless statesman; made to govern men, and to breathe into them a portion of his own heroic soul. His eloquence was of a high order; his voice was fine, and of great compass, and he modulated it at will. His appearance had the air of a soldier,—graceful and commanding, united to the manners of a finished gentleman. The British thought that his life was of the utmost importance to the American army; of so much importance, that they would no longer hold together after his fall. They sadly mistook the men they had to deal with. His blood was not shed in vain; *it cried from the ground* for vengeance; and his name became a watch word in the hour of peril and glory.* The name of the humblest individual who perished in that fight will be remembered by the

tor of this feat and narrow escape, related this fact to me in the college yard, nearly half a century afterwards, and the impression it made on his mind was so strong, that he seemed to feel the same emotion as though it happened but an hour before.

On leaving college, in 1759, Warren turned his attention to the study of medicine, under the direction of Dr. Lloyd, an eminent physician of that day, whose valuable life has been protracted almost to the present time. Warren was distinguished very soon after he commenced practice; for, when in 1764 the small-pox spread in Boston, he was amongst the most successful in his method of treating that disease, which was then considered the most dreadful scourge of the human race, and the violence of which had baffled the efforts of the learned faculty of medicine, from the time of its first appearance. From this moment he stood high amongst his brethren, and was the favourite of the people; and what he gained in their good will, he never lost. His personal appearance, his address, his courtesy, and his humanity, won the way to the hearts of all, and his knowledge and superiority of talents secured the conquest. A bright and lasting fame in his profession, with the attendant consequences, wealth and influence, were within his reach, and near at hand; but the calls of a distracted country were paramount to every consideration of his own interests, and he entered the vortex of politics, never to return to the peaceful course of professional labour.

town or parish from whence he came, and be generally enrolled on the books of the corporation. Young, substantial yeomen, or industrious mechanics, they were

The change in public opinion had been gradually preparing the minds of most men for a revolution. This was not openly avowed; amelioration of treatment for the present, and assurance of kindness in future, were all that the colonies asked from Great Britain; but these they did not receive. The mother country mistook the spirit of her children, and used threats when kindness would have been the best policy. When Britain declared her right to direct, govern, and tax us, in any form, and at all times, the colonies reasoned, remonstrated, and entreated, for a while; and, when these means did not answer, they defied and resisted. The political writers of the province had been active and busy, and they were generally screened by fictitious names, or sent their productions anonymously into the world; but the time had arrived when speakers of nerve and boldness were wanted to raise their voices against oppression in every shape. Warren possessed first rate qualities for an orator, and had early declared, in the strongest terms, his political sentiments, which were somewhat in advance of public opinion, for he held as tyranny all taxation which could be imposed by the British parliament upon the colonies. In times of danger the people are sagacious, and cling to those who best can serve them, and every eye was on him in every emergency, for he had not only the firmness and decision they wished for in a leader, but was prudent and wary in all his plans. His first object was to enlighten the people, and then he felt sure of engaging their feelings in the general cause. He knew when once they began, it would be impossible to tread back—independence only would satisfy the country. With an intention of directing public sentiment, without appearing to be too active, he met frequently with a considerable number of substantial mechanics, and others in the middling classes of society, who were busy in politics. This crisis required such a man as they found him to be—one who could discern the signs of the times, and mould the ductile materials to his will, and at the same time seem only to follow in the path of others. His letter to Barnard, which attracted the notice of government, had been written several years before, in 1768; but in some form or other, he was constantly enlightening the people by his pen; but it is now difficult, and of no great importance, to trace him in the papers of that period. The public was not then always right in designating the authors of political essays. In the different situations in which he was called to act, he assumed as many characters as fable has ever given to the tutelar god of his profession, and, like him, in every one of them he retained the wisdom to guide, and the power to charm. At one time he might be found restraining the impetuosity, and bridling the fury of those hotheaded politicians, who felt more than they reasoned, and dared to do more than became men. Such was his versatility, that he turned from these lectures of caution and prudence, to asserting and defending the most bold and undisguised principles of liberty, and defying in their very teeth the agents of the crown.

Twice he was elected to deliver the oration on the fifth of March, in commemoration of the "massacre," and his orations are amongst the most distinguished produced by that splendid list of speakers who addressed their fellow citizens on this subject, so interesting to them all. In these productions generally the immediate causes of this event were overlooked, and the remote ones alone were discussed. Here they were on safe ground, for tyranny in its incipient stages has no excuse from opposition; but in its march it generally finds some plausible arguments for its proceedings, drawn from the very resistance it naturally produces. These occasions gave the orators a fine field for remark, and a fair opportunity for effect. The great orators of antiquity, in their speeches, attempted only to rouse the people to retain what they possessed. Invective, entreaty, and pride, had their effect in assisting these mighty masters to influence the people. They were ashamed to lose what their fathers had left them, won by their blood, and so long preserved by their wisdom, their virtues, and their courage. Our statesmen had a harder task to perform, for they were compelled to call on the people to gain what they had never enjoyed—an independent rank and standing amongst the nations of the world.

owners of the soil for which they fought. The battle scene was imposing;—the ground was in the immediate neighbourhood of a city, whose inhabitants were

His next oration was delivered March 6th, 1775. It was at his own solicitation that he was appointed to this duty a second time. The fact is illustrative of his character, and worthy of remembrance. Some British officers of the army then in Boston had publicly declared that it should be at the price of the life of any man to speak of the event of the 5th of March, 1770, on that anniversary. Warren's soul took fire at such a threat, so openly made and he wished for the honour of braving it. This was readily granted, for at such a time a man would probably find but few rivals. Many who would spurn the thought of personal fear, might be apprehensive that they would be so far disconcerted as to forget their discourse. It is easier to fight bravely, than to think clearly or correctly in danger. Passion sometimes nerves the arm to fight, but disturbs the regular current of thought. The day came, and the weather was remarkably fine. The Old South Meeting House was crowded at an early hour. The British officers occupied the aisles, the flight of steps to the pulpit, and several of them were within it. It was not precisely known whether this was accident or design. The orator, with the assistance of his friends, made his entrance at the pulpit window by a ladder. The officers, seeing his coolness and intrepidity, made way for him to advance and address the audience. An awful stillness preceded his exordium. Each man felt the palpitations of his own heart, and saw the pale but determined face of his neighbour. The speaker began his oration in a firm tone of voice, and proceeded with great energy and pathos. Warren and his friends were prepared to chastise contumely, prevent disgrace, and avenge an attempt at assassination.

The scene was sublime; a patriot, in whom the flush of youth, and the grace and dignity of manhood, were combined, stood armed in the sanctuary of God, to animate and encourage the sons of liberty, and to hurl defiance at their oppressors. The orator commenced with the early history of the country, described the tenure by which we held our liberties and property, the affection we had constantly shown the parent country, and boldly told them how, and by whom, these blessings of life had been violated. There was in this appeal to Britain, in this description of suffering, agony, and horror, a calm and high-souled defiance, which must have chilled the blood of every sensible foe. Such another hour has seldom happened in the history of man, and is not surpassed in the records of nations. The thunders of Demosthenes rolled at a distance from Philip and his host, and Tully poured the fiercest torrent of his invective when Catiline was at a distance, and his dagger no longer to be feared; but Warren's speech was made to proud oppressors, resting on their arms, whose errand it was to overawe, and whose business it was to fight.

If the deed of Brutus deserved to be commemorated by history poetry, painting, and sculpture, should not this instance of patriotism and bravery be held in lasting remembrance? If he "that struck the foremost man of all this world," was hailed as the first of freemen, what honours are not due to him, who, undismayed, bearded the British lion, to show the world what his countrymen dared to do in the cause of liberty? If the statue of Brutus was placed amongst those of the gods, who were the preservers of Roman freedom, should not that of Warren fill a lofty niche in the temple reared to perpetuate the remembrance of our birth as a nation?

If independence was not at first openly avowed by our leading men, at that time, the hope of attaining it was fondly cherished, and the exertions of the patriots pointed to this end. The wise knew that the storm, which the political Prosperos were raising, would pass away in blood. With these impressions on his mind, Warren for several years was preparing himself by study and observation to take a conspicuous rank in the military arrangements which he knew must ensue.

On the 18th of April, 1775, by his agents in Boston, he discovered the design of the British commander to seize or destroy our few stores at Concord. He instantly despatched several confidential messengers to Lexington. The late venerable patriot, Paul

watching the progress of events, anxious for their nearest friends;—the roar of cannon from ships of war, and from floating and stationary batteries, followed or commingled with incessant volleys of musketry—a well-built and compact town, seen in

Revere, was one of them. This gentleman has given a very interesting account of the difficulties he encountered in the discharge of this duty. The alarm was given, and the militia, burning with resentment, were, at day break, on the 19th, on the road to repel insult and aggression. The drama was opened about sunrise, within a few yards of the house of God, in Lexington. Warren hastened to the field of action, in the full ardour of his soul, and shared the dangers of the day. While pressing on the enemy, a musket ball took off a lock of his hair close to his ear. The lock was rolled and pinned after the fashion of that day, and considerable force must have been necessary to have cut it away. The people were delighted with his cool, collected bravery, and already considered him as a leader, whose gallantry they were to admire, and in whose talents they were to confide.

On the 14th of June, 1775, the provincial congress of Massachusetts made him a major-general of their forces; but, previous to the date of his commission, he had been unceasing in his exertions to maintain order and enforce discipline amongst the troops, which had hastily assembled at Cambridge, after the battle of Lexington. He mingled in the ranks, and by every method and argument strove to inspire them with confidence, and succeeded in a most wonderful manner in imparting to them a portion of the flame which glowed in his own breast. At such a crisis, genius receives its birth-right, the homage of inferior minds, who for self-preservation, are willing to be directed. Previous to receiving the appointment of major-general, he had been requested to take the office of physician general to the army, but he chose to be where wounds were to be made, rather than where they were to be healed. Yet he lent his aid and advice to the medical department of the army, and was of great service to them in their organization and arrangements.

He was at this time president of the provincial congress, having been elected the preceding year a member from the town of Boston. In this body he discovered his extraordinary powers of mind, and his peculiar fitness for responsible offices at such a juncture. Cautious in proposing measures, he was assiduous in pursuing what he thought, after mature deliberation, to be right, and never counted the probable cost of a measure, when he had decided that it was necessary to be taken. When this congress, which was sitting at Watertown, adjourned for the day, he mounted his horse, and hastened to the camp. Every day "he bought golden opinions of all sorts of men;" and when the troops were called to act on Breed's Hill, he had so often been amongst them, that his person was known to most of the soldiers.

Several respectable historians have fallen into some errors in describing the battle in which he fell, by giving the command of the troops, on that day, to Warren, when he was only a volunteer in the fight. He did not arrive on the battle ground until the enemy had commenced their movements for the attack. As soon as he made his appearance on the field, the veteran commander of the day, Colonel Prescott, desired to act under his direction; but Warren declined taking any other part than that of a volunteer, and added, that he came to learn the art of war from an experienced soldier, whose orders he should be happy to obey. In the battle he was armed with a musket, and stood in the ranks, now and then changing his place, to encourage his fellow soldiers by words and example. He undoubtedly, from the state of hostilities, expected soon to act in his high military capacity, and it was indispensable, according to his views, that he should share the dangers of the field as a common soldier with his fellow citizens, that his reputation for bravery might be put beyond the possibility of suspicion. The wisdom of such a course would never have been doubted, if he had returned in safety from the fight. In such a struggle for independence, the ordinary rules of prudence and caution could not govern those who were building up their names for future usefulness by present exertion. Some maxims drawn from the republi-

one mass of flames,—and all this, but the commencement of troubles,—was a sight appalling to every American, and seemed to shake even the enemy, in both mind and body. The British troops, in considerable numbers, occupied the hill that night,

can writers of antiquity, were worn as their mottos. Some precepts descriptive of the charms of liberty, were ever on their tongues, and some classical model of Greek or Roman patriotism, was constantly in their minds. Instances of great men mixing in the ranks of common soldiers, were to be found in ancient times, when men fought for their altars and their homes. The cases were parallel, and the examples were imposing. When the battle was decided, and our people fled, Warren was one of the last who left the breast-work, and was slain within a few yards of it, as he was slowly retiring. He probably felt mortified at the event of the day; but, had he known how dearly the victory was purchased, and how little honour was gained by those who won it, his heart might have been at rest. Like the band of Leonidas, the vanquished have received by the judgment of nations, from which there is no appeal, the imperishable laurels of victors. His death brought a sickness to the heart of the community, and the people mourned his fall, not with the convulsive agony of a betrothed virgin over the bleeding corse of her lover, but with the pride of the Spartan mother, who, in the intensity of her grief, smiled to see that the wounds whence life had flown, were on the breast of her son, and was satisfied that he had died in defence of his country. The worth of the victim, and the horror of the sacrifice, gave a higher value to our liberties, and produced a more fixed determination to preserve them.

This eminence has become sacred ground. It contains in its bosom the ashes of the brave, who died fighting to defend their altars and their homes. Strangers from all countries visit this spot, for it is associated in their memories with Marathon and Plataea, and all the mighty struggles of determined freemen. Our citizens love to wander over this field—the aged to awake recollections, and the youthful to excite heroic emotions. The battle-ground is now all plainly to be seen—the spirit of modern improvement, which would stop the streams of Helicon to turn a mill, and cause to be felled the trees of Paradise to make a rafter, has yet spared this hallowed height.

If "the days of chivalry be gone for ever," and the high and enthusiastic feelings of generosity and magnanimity be not so widely diffused as in more heroic ages, yet it cannot be denied but that there have been, and still are, individuals whose bosoms are warmed with a spirit as glowing and ethereal, as ever swelled the heart of "mailed knight," who, in the ecstasies of love, religion, and martial glory, joined the war-cry on the plains of Palestine, or proved his steel on the infidel foe. The history of every revolution is interspersed with brilliant episodes of individual prowess. The pages of our own history, when fully written out, will sparkle profusely with these gems of romantic valour.

The calmness and indifference of the veteran "in clouds of dust and seas of blood," can only be acquired by long acquaintance with the trade of death; but the heights of Charlestown will bear eternal testimony how suddenly, in the cause of freedom, the peaceful citizen can become the invincible warrior; stung by oppression, he springs forward from his tranquil pursuits, undaunted by opposition, and undismayed by danger, to fight even to death for the defence of his rights. Parents, wives, children, and country, all the hallowed properties of existence, are to him the talisman that takes fear from his heart, and nerves his arm to victory. In the requiem over those who have fallen in the cause of their country, which "Time, with his own eternal lips, shall sing," the praises of Warren shall be distinctly heard.

The blood of those patriots who have fallen in the defence of republics, has often "cried from the ground," against the ingratitude of the country for which it was shed. No monument was reared to their fame; no record of their virtues written; no fostering hand extended to their offspring; but they and their deeds were neglected and forgotten. Towards Warren there was no ingratitude—our country is free from this stain. Congress were the guardians of his

and enlarged the redoubt to nearly twice the original extent; yet they did not venture to light their fires, but laboured by the sinking, flickering lights, which shot up from the smouldering ruins of Charlestown. For the Americans, struggling for liberty; the event of this battle was most fortunate. Their troops had done enough for honour; enough to produce an impression of their prowess on the minds of their enemies; enough to give them confidence in themselves; and to show that they had learnt something in the way of preparing themselves to correct the errors of judgment in planning a fight. They suffered enough to feel their loss deeply, and yet not sufficiently in any way to weaken their forces. The wound received was too deep to be healed at once; the sight was too awful to be soon forgotten.

If the army had come down from Cambridge and Roxbury to the succour, the British would have been destroyed altogether; but from the disposition of the king of England at this period, and the spirit of the ministry, the whole force of the British nation would have been brought to crush the Americans at once.

The battle was fought on Saturday afternoon. Before Sunday night the intelligence was spread more than a hundred miles distant from the scene of action. All were roused to the highest pitch of resentment, and set about preparing themselves for a long and bloody struggle. Companies were raised and equipped with the utmost despatch; all hopes of reconciliation were lost. Squads of armed men flocked to head quarters, some of them having travelled eighty miles in twenty-four hours.

To show the character of the men who had entered upon the duties of this important revolution, we need

honour, and remembered that his children were unprotected orphans. Within a year after his death, congress passed the following resolution:—

“That a monument be erected to the memory of General Warren, in the town of Boston, with the following inscription:—

In honour of
JOSEPH WARREN,

Major-General of Massachusetts Bay.

He devoted his life to the liberties of his country,
And in bravely defending them, fell an early victim in the
BATTLE OF BUNKER HILL,

June 17, 1775.

The Congress of the United States, as an acknowledgment of his services and distinguished merit, have erected this monument to his memory.”

It was resolved, likewise, “that the eldest son of General Warren should be educated from that time at the expense of the United States.” On the first of July, 1780, congress, recognising these former resolutions, further resolved, “that it should be recommended to the executive of Massachusetts Bay, to make provision for the maintenance and education of his three younger children, and that congress would defray the expense to the amount of the half pay of a major-general, to commence at the time of his death, and

only to notice the fact, that the provincial congress, then sitting at Watertown, about six miles from the battle-field, proceeded, as usual, with their business; and no mention is made of the battle on their records, until three days afterwards, when a member moved that the body should proceed to elect a president, as it was believed that Doctor Joseph Warren, who had filled the chair, had been slain on the 17th, at Bunker Hill. His place was supplied, and a committee was appointed to collect and publish all the circumstances of the fight. This was only partially executed at the time. It was reserved for the lapse of half a century, to complete the record for history. When the corner stone of Bunker Hill monument was about to be laid, the legislature of Massachusetts invited, by a resolve of that body, all the survivors of that day's fight, to repair, at the expense of the commonwealth, to Charlestown, to take a part in the ceremonies. This invitation was accepted by more than fifty veterans, who, on their arrival, stated, under the solemnity of an oath, the circumstances within their recollections, of the battle. That which had been doubtful and contradictory, was made plain and satisfactory from comparing all these statements of these honest veterans.]

While most of the colonies afforded sufficient occupation for the watchfulness of the British government, those of New England called forth the most vigorous efforts of the royalists, both by sea and land. The naval forces were frequently engaged in destroying armed American vessels, congress having fitted out several, which were very successful in capturing store ships sent with supplies of provisions and ammunition for the royal army.* At Gloucester, the

continue till the youngest of the children should be of age.” The part of the resolutions relating to the education of the children, was carried into effect accordingly. The monument is not yet erected, but it is not too late. The shade of Warren will not repine at this neglect, while the ashes of Washington repose without grave stone or epitaph.—*Knapp's American Biography*.

* After the war had begun in earnest, Washington gave commission and authority to take, and bring in, such vessels as our cruisers could capture, belonging to the British government, on the high seas. By virtue of this authority, several rich prizes were taken, some of them loaded with munitions of war, which came timely to the American army. Several vessels being private property which had been taken by these cruisers, were promptly released. Congress sanctioned his proceedings as justifiable and proper, and at once turned their attention to a naval force. In 1776, they appointed twenty-four captains of the navy, and a few lieutenants, leaving it to the naval committee to appoint the others; and, at the same time, authorized the building of sixteen ships of war, and several smaller vessels. This, with the force which was then already in the possession of the several states, a part of which were sold to congress, soon made a respectable naval force. The work of building went bravely on, for the merchants were deeply interested in it, and readily loaned the money to government for their building, or trusted the national contractor for materials necessary in getting this naval force into effective operation. Some

Falcon sloop of war having chased an American vessel into the harbour, despatched three boats, with about forty men, to bring her off, when the party

of the ships were as large as thirty-two's, and from these down to four's. After this, larger vessels were built, but only one seventy-four, however, and she was never in our service. These were commanded by brave men, and there was no act of cowardice known in the American navy during the revolutionary war. There might have been a few instances of indecorum and want of discretion, but none of cowardice.

But to be a little more minute in this history, as it is important to examine our beginnings as a nation, in November, 1775, the legislature of Massachusetts passed a spirited act, by which they authorized and encouraged the fitting out of private armed vessels, to defend the sea coast of America; and at the same time created a court of admiralty, to try and condemn all vessels that should be found infesting the same. The preamble to this act was written by the late vice-president, Mr. Gerry, and it is a bold and an ingenious exposition of the sovereign rights of the people in such an exigency, founded on the royal charter of William and Mary, under which the affairs of the province of Massachusetts had been administered for more than eighty years. The body of the act was penned by Mr. Sullivan, late governor of Massachusetts, an early and firm patriot of the revolution. On the 16th of December of that year, the government of Massachusetts resolved to fit out ten vessels to go to the West Indies for military stores. On the 29th of this month, John Adams and J. Palmer were appointed by the legislature of Massachusetts, a committee to prepare and report a plan for fitting out armed vessels. On the 8th of January following, eight thousand pounds were voted for the purpose of making a respectable marine force for the province. On the 11th of January, 1776, it was resolved in council, to build two frigates, one of thirty-six, and the other of thirty-two guns. On the 7th of February, it was resolved by the whole court to build ten sloops of war, to carry sixteen guns each. Ten thousand pounds were appropriated to this purpose. Some of these vessels were built, and some others were hired, so that Massachusetts soon had quite a respectable naval force on the high seas at their disposal. At the close of the year 1775, congress commissioned several vessels of war, six sloops, and thirteen galleys; but they were restrained to the taking of public property. After the declaration of independence, when there was no prospect of peace for a season, or at least until Great Britain had tried the strength of the United Colonies, the marine was greatly increased, and twenty-four vessels were put in commission, and additions were made from time to time to this respectable force. These vessels were commanded by high-spirited and intelligent men, who were wonderfully successful; for in the course of three years they had taken more than double the number of their own guns from the enemy, besides a great number of merchantmen of value. More than eight hundred guns had been taken from the enemy during this time, by the marine which congress had fitted out; while that of Massachusetts, and of the other states, were equally successful. The vessels taken by the public and private armed vessels, from the battle of Lexington to the 17th of March, 1776, when the British evacuated Boston, amounted to thirty-four, of considerable size and value, with excellent cargoes. The tonnage of these captured vessels amounted to three thousand six hundred and forty-five tons. In 1776, the British vessels captured by the private armed vessels, alone, amounted to the great number of three hundred and forty-two, of which forty-four were retaken, eighteen released, and five burnt. In the following year, 1777, the success of our privateers was still greater. Vessels were captured to the amount of four hundred and twenty-one. The success continued without any great diminution until 1780. At this time the British merchants made so strong an appeal to their government, that they provided a convoy for every fleet of merchant vessels to every part of the globe. Out of the fleet sailing from England to the West Indies, consisting of two hundred in number, in the year 1777, one hundred and thirty-seven were taken by our privateers; and from a fleet from Ireland to the West Indies, of sixty sail, thirty-five were taken. Taking the years 1775, 6, 7, 8, and 9, say for the first year, thirty-four;

were so warmly received by the militia who had collected on the shore, that the captain thought it necessary to send a re-enforcement, and to commence

second, three hundred and forty-two; third, four hundred and twenty-one; and for the fourth, which has not been accurately given, I believe, in any work, say, and this within bounds, two hundred; and for the fifth, the same, two hundred; and allowing but one hundred for the balance of the time during the war, will make twelve hundred and ninety-seven, without including those taken by public vessels from 1776 to the close of the war; and this latter number, if it could be precisely given, would add greatly to the list of captures. The marine, undoubtedly, fell off towards the close of the war, from several causes; one, the difficulties in the finance of the country, and from the great exertions of the Admiralty of England in capturing our privateers. They had become alarmed from the complaints of their merchants, and the rise of insurance against capture, which reached an extent unknown before or since. The French navy, after that time, joined us in the war, and was in itself so powerful, that our smaller vessels were not wanted to co-operate with the land forces as before. Besides the defence of Charleston and Philadelphia, which were engagements that ought to be ranked among the most memorable events in our revolutionary contest, there were others all along the seaboard, of less note, but in themselves spirited affairs. Rhode Island, Philadelphia, and Charleston, have high claims for naval distinction, and for constant efforts on the high seas, during the war.

Our naval affairs were managed by a marine committee in congress, who were as active and efficient as their limited means would allow. They had the admiralty code of England and Holland before them, and took such parts of it as would answer the purpose of their design. The committee of congress did wonders, considering their means, and the difficulties they had to encounter. John Adams was an efficient member of this committee; and, delighted with the course pursued by the merchants of the Netherlands, in gaining their independence and raising their national character, he studied their state papers, ruminated upon their history, and found it wise to copy their policy. He was born and educated among a mercantile people, and was well acquainted with their true interests. He saw an extended seaboard, and knew it were folly to defend our harbours and seaports without a naval force. To him and his co-adjutors are we indebted for the shape our infant navy took, and for the Herculean tasks she performed, as it were, in the cradle. It is not to be denied, however, that he had the cordial co-operation of all the efficient members in congress in every state, whether more or less maritime; for these enlightened men saw what a mighty engine of power this force might be made in a foreign war; and they soon saw, too, how much a matter of gain it was in that day. John Adams has deservedly been considered the father of the American navy. His disposition was of that prompt, effective, and daring character, that made him delight in the naval glories of his country. He knew that Great Britain was henceforth to be separated from us, and that it was only by cherishing a desire for naval distinction, that we were ever to contend upon equal ground with her. This he declared almost as soon as he saw the conflict gathering, and the storm ready to burst, long before he had assisted the people, or their representatives, to brace themselves up for the declaration of independence. A naval force was thought by all to be necessary at that day. It was long since that period, that the establishment of this great engine of national defence, was considered of questionable policy. Then the representatives of all the states concurred most heartily in doing every thing in their power to encourage the increase of our naval force. The success of the privateers gave an elasticity and spirit to the people, that nothing else could have given. It gave them wealth also, through the medium of enterprise and valour. The seaports were full of the bustle of preparation for cruising and reception of prizes. Articles of merchandise were common, and of a quality the frugality and economy of our people had never permitted them to think of before. These articles were of use to citizens and soldiers, and the sale and purchase gave a specious form to business. A great part of the capital on which they were obtained, was the hardihood and daring of the people. This success inspired

cannonading the town. A very smart action ensued, which was kept up for several hours, but resulted in the complete defeat of the assailants, leaving upwards of thirty prisoners in the hands of the Americans. This repulse excited the British to deeds of revenge upon several of the defenceless towns on the coast, and to declare that many of them should be reduced to ashes, unless the inhabitants consented to an unconditional compliance with all their demands. Another occurrence also tended to mutual exasperation. In compliance with a resolution of the provincial congress to prevent Tories from conveying out their effects, the inhabitants of Falmouth, in the north-eastern part of Massachusetts, had obstructed the loading of a mast ship. The destruction of the town was therefore determined on, as an example of vindictive punishment. Captain Mowat, detached for that purpose with armed vessels by Admiral Greaves, arrived off the place on the evening of the 17th of October, and gave notice to the inhabitants that he would allow them two hours "to remove the human species." Upon being solicited to afford some explanation of this extraordinary summons, he replied, that he had orders to set on fire all the seaport towns from Boston to Halifax, and that he supposed New York was already in ashes. He could dispense with his orders, he said, on no terms but the compliance of the inhabitants to deliver up their arms and ammunition, and their sending on board a supply of provisions, and four of the principal persons in the town, as hostages that they should engage not to unite with their country in any kind of opposition to Britain; and

the army likewise; for they saw that sailors of a new creation could meet, and dared fight, the hardy sons of Neptune born in old England, and educated in the best of fleets in the world; and that these veterans were often found to yield to American sailors, of but a few months discipline on the high seas.

In the bustle that privateering created, the loss of lives and limbs was forgotten, and the pride of conquest, and the joy of the possession of property won by daring, concealed the pain of many wounds, and perhaps healed a great many that a want of success might have festered and rendered immedicable. In an army, individual bravery seldom finds an opportunity for display, while in these sea-fights almost every one had an opportunity of showing his prowess. These mariners on board a privateer were sharers in the success of every enterprise, often a better, or stronger motive, for brave deeds, than the sound of a name. It was often that they had an opportunity of selecting the commander under whom they would serve; and men so situated, are generally sagacious in discerning the merits of their superiors; particularly when that merit, in a good measure, consisted in overt acts, of which they were as good judges as men of higher grades of mind, and of higher rank in society. Several of these commanders of privateers were men of original and commanding talent, and deserve to be handed down to posterity, as well as the leaders of small bands in the primitive wars of the classical ages. Manly, Mugford, Jones, Waters, Young, Tucker, Talbot, Nicholson, Williams, Biddle, Hopkins, Robinson, and many others, who were either in the service of one of the state sovereignties at that time, or in the service

he assured them, that, on a refusal of these conditions, he should lay the town in ashes within three hours. Unprepared for the attack, the inhabitants, by entreaty, obtained the suspension of an answer till the morning, and employed this interval in removing their families and effects. The next day, Captain Mowat commenced a furious cannonade and bombardment; and a great number of people, standing on the heights, were spectators of the conflagration, which reduced many of them to penury and despair. More than four hundred houses and stores were burnt. Newport, Rhode Island, being threatened with a similar attack, was compelled to stipulate for a weekly supply to avert it.

Warlike operations were not confined to the sea ports. Their success in the reduction of Ticonderoga and Crown Point stimulated the Americans to more extensive operations in the north; and the movements of Sir G. Carleton, the governor of Canada, appeared to call for them, congress having reason to believe that a formidable invasion was intended from that quarter. The management of military affairs in this department had been committed to the Generals Schuyler and Montgomery. On the 10th of September, about one thousand American troops effected a landing at St. John's, the first British port in Canada, lying one hundred and fifteen miles only to the northward of Ticonderoga, but found it advisable to retreat to Isle aux Noix, twelve miles south of St John's. An extremely bad state of health soon after inducing General Schuyler to retire to Ticonderoga, the command devolved on General Montgomery. That enterprising officer, in a

of congress, have been noticed by the writers of biography in times past; but there are many more who are equally worthy of notice. who have been neglected, because they were only commanders of privateers. It ought, however, to be considered, that our vessels of war were small, and did not, in general, carry more guns or men than some of our privateers at that time; and the commanders of both classes of vessels, those of the United States and those of private citizens, were educated and trained alike, and had equal sagacity, skill, and success. Scarcely a day passed, from the summer of 1775 to 1780, that the people were not animated with the news of some sea fight, and generally victory was on our side; for these privateers were built for quick sailing, and when they thought the fight would be at odds against them, they out-sailed the enemy, and escaped to annoy them in some other quarter. These commanders, in general, were men of standing, honour, and principle, and never suffered themselves to sink into petty tyrants, or lawless bucaniers, in their manners or feelings. Instances of the most magnanimous conduct among them, might be given. In several cases of capture, when they understood the owners were friendly to the cause of America, the vessels and crews were suffered to depart without losing a particle of property. In the vessels taken by these privateers, as in the public armed ships, the officers were never deprived of their baggage, and often were allowed their *adventures*, if their owners had allowed them such privileges, and they had any on board. Some few of these commanders of privateers have lived down to our time.—*American Editor.*

few days returned to the vicinity of St. John's, and opened a battery against it; and the reduction of Fort Chamblee, by a small detachment, giving him possession of six tons of gunpowder, enabled him to prosecute the siege of St. John's with vigour. General Carleton advanced against him with about eight hundred men; but, in attempting to cross the St. Lawrence, with the intention of landing at Longueil, he was attacked by Colonel Warner, at the head of three hundred Green Mountain boys, and compelled to retire with precipitancy. This repulse induced the garrison of St. John's to surrender, on honourable terms of capitulation.

While Montgomery was prosecuting the siege of St. John's, Colonel Ethan Allen, who had been despatched on a service necessary to that object, hearing that Montreal was in a defenceless state, attempted its capture without the knowledge of his superior in command; he was, however, with part of his detachment, taken prisoner, and, to the disgrace of General Carleton, loaded with irons, and in that state sent to England. "It is impossible to think of the fate of this heroic partisan, without regretting that wild spirit of independence which spurned even at the most necessary and proper subordination in the revolutionary fathers. If Colonel Allen had consulted the general, as was unquestionably his duty, the whole fate of the Canadian expedition might have been changed. He would either have received such re-enforcements as would have rendered his object attainable without hazard, or he would have been forbidden to undertake it; and the assistance of his daring courage and skill might have prevented the fate which subsequently befell General Montgomery before Quebec."* After the capture of St. John's, Montgomery directed his attention to Montreal, with different success. On his approach, the few British troops there repaired on board the shipping, in hopes of escaping down the river; but General Prescott, and several officers, with about one hundred and twenty privates, were intercepted, and made prisoners on capitulation; eleven sail of vessels, with all their contents, fell into the hands of the provincials. Governor Carleton was secretly conveyed away in a boat with muffled paddles, and arrived safely at Quebec. General Montgomery, leaving some troops in Montreal, and sending detachments into different parts of the province to encourage the Canadians and to forward provisions, advanced with his little army to Quebec, where he found, to his surprise, that a body of American troops had arrived before.

General Washington, foreseeing that the whole force of Canada would be concentrated about Montreal, had projected an expedition against Quebec in a different direction from that of Montgomery. His plan was to send out a detachment from his camp before Boston, to march by way of Kennebeck River; and, passing through the dreary wilderness lying between the settled parts of the province of Maine and the St. Lawrence, to penetrate into Canada about ninety miles below Montreal. This extraordinary and most arduous enterprise was committed to Colonel Arnold, who, with one thousand one hundred men, consisting of New England infantry, some volunteers, a company of artillery, and three companies of riflemen, commenced his march on the 13th of September. It is almost impossible to conceive the labour, hardships, and difficulties, which this detachment had to encounter in their progress up the rapid stream of the Kennebeck, frequently interrupted by falls, where they were obliged to land and carry the boats upon their shoulders, until they surmounted them, through a country wholly uninhabited, with a scanty supply of provisions, the season cold and rainy, and the men daily dropping down with fatigue, sickness, and hunger. Arnold was indefatigable in his endeavours to alleviate the distresses of his men, but to procure provisions for them was not in his power. They were at one time reduced to so great an extremity of hunger, that the dogs belonging to the army were killed and eaten, and many of the soldiers devoured their leather cartouch boxes. Arnold and his party at length arrived at Point Levi, opposite the town of Quebec; but in consequence of information the British had received, by the treachery of the Indian to whom Arnold had intrusted a letter to General Schuyler, the boats which he expected to find there to transport his troops across the river had been removed, and the enemy were no longer in a state to be surprised. Arnold, however, was not to be deterred from attempting something against the town—he calculated strongly upon the defection of the inhabitants; and having supplied himself with canoes, he crossed the river in the night, and gained possession of the heights of Abraham. Here, though he had no artillery, and scarcely half the number of men that composed the garrison of the town, he made a bold experiment to try the loyalty of the enemy's troops, by sending a flag to summon them to surrender. But no message would be admitted, and Arnold found himself compelled to retire to more comfortable quarters, where he awaited the arrival of General Montgomery.

General Carleton, who it has already been stated

* Allen's History of the American Revolution, vol. i. p. 292.

arrived at Quebec, had taken the best measures for its defence, and was prepared to receive him. In a few days, the American general opened a six-gun battery within about seven hundred yards of the walls; but his artillery was too light to make a breach, and he could do nothing more than amuse the enemy, and conceal his real purpose. After continuing a siege nearly a month, he resolved on a desperate attempt to carry the place by escalade. To distract the garrison, two feigned attacks were made on the upper town by two divisions of the army under Majors Brown and Livingston, while two real attacks on opposite sides of the lower town were made by two other divisions under Montgomery and Arnold. Early in the morning of the last day in the year, the signal was given, and the several divisions moved to the assault in the midst of a heavy fall of snow, which covered the assailants from the sight of the enemy. Montgomery, at the head of the New York troops, advanced along the St. Lawrence, by Auncie de Mere, under Cape Diamond. The first barrier to be surmounted on that side was defended by a battery, in which were mounted a few pieces of artillery, in front of which were a blockhouse and picket. The guard at the blockhouse, after giving a random fire, threw away their arms and fled to the barrier, and for a time the battery itself was deserted. Enormous piles of ice impeded the progress of the Americans, who, pressing forward in a narrow defile, reached at length the blockhouse and picket. Montgomery, who was in front, assisted in cutting down or pulling up the pickets, and advanced boldly and rapidly at the head of about two hundred men, to force the barrier. By this time one or two persons had ventured to return to the battery, and, seizing a slow match, discharged one of the guns. Casual as this fire appeared, it was fatal to General Montgomery and to two valuable young officers near his person, who, together with his orderly sergeant and a private, were killed on the spot. Colonel Campbell, on whom the command devolved, precipitately retired with the remainder of the division.—In the mean time, Colonel Arnold, at the head of about three hundred and fifty men, made a desperate attack on the opposite side. Advancing with the utmost intrepidity

along the St. Charles, through a narrow path, exposed to an incessant fire of grape shot and musketry, as he approached the first barrier at the Saut des Matelots, he received a musket ball in the leg, which shattered the bone, and he was carried off to the camp. Captain Morgan, who commanded a company of Virginia riflemen, rushed forward to the batteries at their head, and received a discharge of grape shot, which killed one man only. A few rifles were immediately fired into the embrasures, and the barricade was mounted; the battery was instantly deserted, but the captain of the guard, with the greater part of his men, fell into the hands of the Americans. Morgan formed his men, but from the darkness of the night and total ignorance of the situation of the town, it was judged unadvisable to proceed. He was soon joined by Lieutenant-colonel Green and Majors Bigelow and Meigs, with several fragments of companies, amounting collectively to about two hundred men. At daylight this gallant party was again formed; but after a bloody and desperate engagement, in which they sustained the force of the whole garrison three hours, they were compelled to surrender themselves prisoners of war.*

After this brave but disastrous assault, the commander of the American troops did not muster more than four hundred effective men: in the hope, however, of receiving reinforcements, they maintained a position at a short distance from Quebec; and, although the garrison was very superior in numbers, the bravery the colonists had evinced, and the mixed character of his own troops, disinclined General Carleton from leaving his ramparts to attack the Americans.

The existence of armed vessels in the service of the colonies has already been adverted to. From the peculiar situation of Massachusetts, it was perceived that important advantages might be gained by employing armed vessels on the coasts, to prevent the British from collecting provisions from any places accessible to them, and to capture the enemy's ships loaded with military stores. Before the subject of a naval armament was taken up by congress, it appears that not only Massachusetts, but Rhode Island and Connecticut, had each of them two vessels, at

* In Montgomery the Americans lost one of the bravest and most accomplished generals that ever led an army to the field. But he was not more illustrious for his skill and courage as an officer, than he was estimable for his private virtues. All enmity to him on the part of the British ceased with his life, and respect to his private character prevailed over all other considerations. His body was taken up the next day, and he was decently interred.—Montgomery was a gentleman of good family in Ireland, who, having married a lady and purchased an estate in New York, considered himself as an American, and had served with reputation in

the late French war. Congress directed a monument to be erected to his memory, with an inscription expressive of their veneration for his character, and of their deep sense of his "many signal and important services; and to transmit to future ages, as examples truly worthy of imitation, his patriotism, conduct, boldness of enterprise, insuperable perseverance, and contempt of danger and death." A monument of white marble, with emblematic devices, has accordingly been erected to his memory, in front of St. Paul's church, in New York.

least, fitted, armed, and equipped by the colonial authorities. Subsequently, the general court of Massachusetts passed an act for encouraging the fitting out of armed vessels to defend the sea coast of America, and for erecting a court to try and condemn all vessels that should be found infesting the same. Shortly afterwards, a committee of congress, appointed to devise ways and means for fitting out a naval armament, brought in their report, which was adopted. It was resolved to fit out for sea thirteen ships, five of thirty-two guns, five of twenty-eight, and three of twenty-four guns; a committee was nominated, with full powers to carry the report into execution with all possible expedition, and Ezekiel Hopkins was appointed commander. Thus commenced the American navy. The advantages that had been anticipated from armed vessels were soon experienced. Captain Manly, of Marblehead, one of the first who put to sea, on the 29th of November took an ordnance brig from Woolwich, containing, besides a large brass mortar, several pieces of fine brass cannon, a large quantity of small arms and ammunition, with all kinds of tools, utensils, and machines, necessary for camps and artillery; and, nine days after, three ships, from London, Glasgow, and Liverpool, with various stores for the British army. A brig, with fifteen thousand pounds of powder, was captured by a vessel fitted out by the council of safety of South Carolina. The supplies obtained by these means were of vast importance to the American army, which was in very great want of ammunition and military stores.

Among other measures tending to promote the general welfare, congress resolved that a line of posts should be appointed from Falmouth, in New England, to Savannah, in Georgia; and Benjamin Franklin was unanimously chosen postmaster-general. They also directed the establishment of an hospital, adequate to the necessities of an army consisting of twenty thousand men; and Dr. Church was appointed director and physician of the establishment.*

General Washington, on his first arrival in camp, had found the materials for a good army; but they were in the crudest state. The troops having been raised by different colonial governments, no uniformity existed among the regiments; and imbued by

the spirit of that very liberty for which they were preparing to fight, and unaccustomed to discipline, they neither felt an inclination to be subject to military rules, nor realized the importance of being so. The difficulty of establishing subordination was greatly increased by the shortness of the terms of enlistment, some of which were to expire in November, and none to continue longer than December. Various causes operated to lead congress to the almost fatal plan of temporary military establishments. Among the most important of these were a prospect of accommodation with the parent state, and the want of experience in the management of war upon an extensive scale. It is true, the revolutionary conflict placed the people of America in a situation in which all the energies of the human mind are brought into action, and in which man makes his noblest efforts; the occasion called upon the public theatre statesmen and warriors, who, by the wise and honourable execution of the complicated duties of their new characters, surprised the world; but even from them errors of inexperience were inevitable. The fear of accumulating expenses which the resources of the country could not discharge, had a further influence to deter the American government from the adoption of permanent military establishments; for, although the recommendations of congress, and the regulations of state conventions had, in the day of enthusiasm, the force of law, yet the ruling power thought it inexpedient to attempt to raise large sums by direct taxes, at a time when the commerce of the country was annihilated, and the cultivators of the ground were subjected to heavy services in the field of war. The only recourse was to a paper medium, without funds for its redemption, or for the support of its credit, and therefore of necessity subject to depreciation, and, in its nature, capable of only a temporary currency; congress, therefore, was justly afraid of the expense of a permanent army. Jealousy of a standing army had also a powerful influence upon the military arrangements of America. Indeed this spirit early insinuated itself into the legislative bodies of the colonies, and was displayed in many of their measures: an indication of this feeling appears in the address presented by the provincial assembly of New York to General Washington, while on his journey

* Not long after his appointment, Dr. Church was detected in a traitorous correspondence with the British in Boston. He had sustained a high reputation as a patriot, and was at this time a member of the Massachusetts house of representatives. He was tried, convicted, and expelled from the house of representatives; and congress afterwards resolved, that he be closely confined in some secure goal in Connecticut, without the use of pen, ink, or

paper; and that no person be allowed to converse with him, except in the presence and hearing of a magistrate, or the sheriff of the county.

Dr. Church was never confined in Connecticut, but was permitted to sail for the West Indies. The vessel he embarked in was lost, and every one on board of her perished. His traitorous intentions, since that period, have become problematical.—*Am. Ed.*

to the American camp. "We have the fullest assurance," say they, "that whenever this important contest shall be decided, by that fondest wish of each American soul, an accommodation with our mother country, you will cheerfully resign the important deposit committed to your hands, and reassume the character of our worthiest citizen." Congress, as a body, unquestionably participated in this jealousy, and was afraid to trust a standing army with the power necessary to conduct the war, lest, at its successful termination, this army should become the master of the country for whose liberties it had fought.

The want of subordination was by no means the only difficulty with which the commander in chief had to contend; he soon made the alarming discovery, that there was not more powder than would furnish each man with nine cartridges. Although this dangerous deficiency was carefully concealed from the enemy, yet the want of bayonets, which was very considerable, could not be kept secret. The army was also so destitute of tents as to be unavoidably lodged in barracks, a circumstance extremely unfavourable to sudden movements, to health, and to discipline.* There was no commissary general, and therefore no systematic arrangement for obtaining provisions; and a supply of clothes was rendered peculiarly difficult by the non-importation agreements. Added to this, there was a total want of engineers, and a great deficiency of working tools. The general, happily qualified at once to meet difficulties and to remove them, took immediate care to organize the troops, to fit them for actual service, and to make arrangements for the necessary supplies. Next to these objects, he considered the re-enlistment of the army the most interesting. To this essential point he had early solicited the attention of congress, assuring that body that he must despair of the liberties of his country, unless he were furnished with an army that should stand by him until the conclusion of their enterprise. Congress at length resolved to raise a standing army, to consist of about seventy-five thousand men, to serve for the term of three years, or during the war; and that it should be composed of eighty-eight battalions, to be raised in the colonies, according to their respective abilities. Recruiting orders were accordingly issued; but the progress in raising recruits was by no means proportioned to the public exigencies. On the last day of December, when all the old troops not engaged on the new establishments were disbanded, there had been enlisted for the army of 1776 no more than nine thousand six hundred and fifty men. An ear-

nest recommendation of General Washington to congress to try the influence of a bounty was not acceded to until late in January; but during the winter the number of recruits was considerably augmented. "The history of the winter campaign," says the biographer of Washington, "is a history of continued and successive struggles on the part of the American general, under the vexations and difficulties imposed by the want of arms, ammunition, and permanent troops, on a person in an uncommon degree solicitous to prove himself, by some grand and useful achievement, worthy of the high station to which the voice of his country had called him."

In the space of time between the disbanding the old army, and the constitution of an effective force from the new recruits, the lines were often in a defenceless state; the English must have known the fact, and no adequate reason can be assigned why an attack was not made. "It is not," says General Washington, in his communications to congress, "in the pages of history to furnish a case like ours. To maintain a post within musket shot of the enemy, for six months together, without ammunition, and, at the same time, to disband one army and recruit another, within that distance of twenty odd British regiments, is more, probably, than ever was attempted. But if we succeed as well in the last as we have heretofore in the first, I shall think it the most fortunate event of my whole life." Such a measure, with the organization and discipline of the men, will be supposed to have employed every active power of the general; yet this did not satisfy his mind. He knew that congress anxiously contemplated more decisive steps, and that the country looked for events of greater magnitude. The public was ignorant of his actual situation, and conceived his means for offensive operations to be much greater than they were; and they expected from him the capture or expulsion of the British army in Boston. He felt the importance of securing the confidence of his countrymen by some brilliant action, and was fully sensible that his own reputation was liable to suffer if he confined himself solely to measures of defence. To publish to his anxious country the state of his army, would be to acquaint the enemy with his weakness, and to hazard his destruction. The firmness and patriotism of General Washington were displayed, in making the good of his country an object of higher consideration than the applause of those who were incapable of forming a correct opinion of the propriety of his measures. On this, and on many other occasions during the war, he withstood the voice of the populace, rejected the entreaties of the sanguine, and re-

fused to adopt the plans of the rash, that he might ultimately secure the great object of contention. While he resolutely rejected every measure which in his calm and deliberate judgment he did not approve, he daily pondered the practicability of a successful attack upon Boston. As a preparatory step, he took possession of Plowed-hill, Cobble-hill, and Lechmere's Point, and erected fortifications upon them. These posts brought him within half a mile of the enemy's works on Bunker's-hill; and, by his artillery he drove the British floating batteries from their stations in Charles's River. He erected floating batteries to watch the movements of his enemy, and to aid in any offensive operations that circumstances might warrant. He took the opinion of his general officers a second time respecting the meditated attack; they again unanimously gave their opinion in opposition to the measure, and this opinion was immediately communicated to congress. Congress appeared still to favour the attempt, and, that an apprehension of danger to the town of Boston might not have an undue influence upon the operations of the army, resolved, "That if General Washington and his council of war should be of opinion that a successful attack might be made on the troops in Boston, he should make it in any manner he might think expedient, notwithstanding the town, and property therein, might thereby be destroyed."

General Howe had, in October, succeeded General Gage in the command of the British army, and through the winter confined himself to measures of defence. The inability of the American general to accomplish the great object of the campaign, repeatedly pointed out by congress, was doubtless a source of extreme mortification to him; but he indulged the hope of success in some military operations during the winter that would correspond with the high expectations of his country, and procure him honour in his exalted station of commander in chief of the American army. Early in January he summoned a council of war, in which it was resolved, "That a vigorous attempt ought to be made on the ministerial troops in Boston, before they can be reinforced in the spring, if the means can be provided, and a favourable opportunity shall offer."

It was not, however, till the middle of February that the ice became sufficiently strong for General Washington to march his forces upon it into Boston; he was then inclined to risk a general assault upon the British posts, although he had not powder to make any extensive use of his artillery; but his general officers in council voted against the attempt, and in their decision he reluctantly acquiesced. By

the end of the month the stock of powder was considerably increased, and the regular army amounted to fourteen thousand men, which was reinforced by six thousand of the militia of Massachusetts. General Washington now resolved to take possession of the heights of Dorchester, in the prospect that this movement would bring on a general engagement with the enemy under favourable circumstances; or, should this expectation fail, that from this position he would be enabled to annoy the ships in the harbour, and the troops in the town. To mask the design, a severe cannonade and bombardment were opened on the British works and lines for several nights in succession. As soon as the firing began on the night of the 4th of March, a strong detachment marched from Roxbury over the neck of land connecting Roxbury with Dorchester Heights, and, without discovery, took possession of the heights. General Ward, who commanded the division of the army in Roxbury, had fortunately provided fascines before the resolution passed to fortify the place; these were of great use, as the ground was deeply frozen; and, in the course of the night, the party, by uncommon exertions, erected works sufficient for their defence. When the British discovered these works, nothing could exceed their astonishment. Their only alternative was either to abandon the town, or to dislodge the provincials. General Howe, with his usual spirit, chose the latter part of the alternative, and took measures for the embarkation on that very evening of five regiments, with the light infantry and grenadiers, on the important but most hazardous service. The transports fell down in the evening toward the castle with the troops, amounting to about two thousand men; but a tremendous storm at night rendered the execution of the design absolutely impracticable. A council of war was called the next morning, which agreed to evacuate the town as soon as possible. A fortnight elapsed before that measure was effected. Meanwhile, the Americans strengthened and extended their works; and on the morning of the 17th of March, the king's troops, with those Americans who were attached to the royal cause, began to embark; before ten, all of them were under sail. As the rear embarked, General Washington marched triumphantly into Boston, where he was joyfully received as a deliverer.

The issue of the campaign was highly gratifying to all classes; and the gratulation of his fellow-citizens upon the repossession of the metropolis of Massachusetts, was more pleasing to the commander in chief than would have been the honours of a triumph. Congress, to express the public approbation of the

military achievements of their general, resolved, "That the thanks of congress, in their own name, and in the name of the thirteen united colonies, be presented to his excellency General Washington, and the officers and soldiers under his command, for their wise and spirited conduct in the siege and acquisition of Boston; and that a medal of gold be struck, in commemoration of this great event, and presented to his excellency." In his letter, informing congress that he had executed their order, and communicated to the army the vote of thanks, he says, "They were, indeed, at first, a band of undisciplined husbandmen; but it is, under God, to their bravery and attention to their duty, that I am indebted for that success which has procured me the only reward I wish to receive—the affection and esteem of my countrymen."

Although Halifax was mentioned as the destined place of the British armament, General Washington apprehended that New York was their object. On this supposition, he detached several brigades of his army to that city, before the evacuation of Boston; and as soon as the necessary arrangements were made in the latter city, he followed with the main body of his army to New York, where he arrived on the 14th of April. The situation of New York was highly favourable for an invading army, supported by a superior naval force; and General Washington doubted the practicability of a successful defence; but the importance of the place, the wishes of congress, the opinion of his general officers, and the expectation of his country, induced him to make the attempt; and the resolution being formed, he called into action all the resources in his power to effect it, and, with unremitted diligence, pushed on his works. Hulks were sunk in the North and East rivers; forts were erected on the most commanding situations on their banks; and works were raised to defend the narrow passage between Long and York Islands. The passes in the Highlands, bordering on the Hudson, became an object of early and solicitous attention. The command of this river was equally important to the American and the British general. By its possession, the Americans easily conveyed supplies of provision and ammunition to the northern army, and secured an intercourse between the southern and northern colonies essential to the success of the war. If the river were in the hands of the British, this necessary communication would be interrupted, and an intercourse between the Atlantic and Canada opened to them. General Washington ordered the passes to be fortified, and made their security an object of primary importance through every period of his command.

While these operations were carrying on in New England, General Arnold, under all his discouragements, continued the blockade of Quebec; but, in the month of May, in a council of war, it was unanimously determined, that the troops were in no condition to risk an assault, and the army was removed to a more defensible position. The Canadians at this juncture receiving considerable reinforcements, the Americans were compelled to relinquish one post after another, and by the 18th of June they had evacuated Canada.

In Virginia, the zeal and activity which had been excited by the spirited enterprise of Patrick Henry still continued to manifest themselves in various parts of the colony. The governor's family, alarmed by the threatening march of Mr. Henry towards Williamsburgh, had already taken refuge on board the Fowey man-of-war; and only a few weeks elapsed before Lord Dunmore himself adopted the same means of personal safety. Soon after fixing his residence on board the Fowey, his lordship required the house of burgesses to attend him there; but instead of obeying the requisition, they passed sundry resolutions, in which they declared that his lordship's message was "a high breach of the rights and privileges of the house," and that his conduct gave them reason to fear "that a dangerous attack was meditated against the unhappy people of the colony." On the 24th of July, the colonial convention met; they appointed a committee of safety, passed an ordinance for regulating the militia, and for raising a regular force of two regiments, the command of which was given to Patrick Henry, who was also made the commander of all the forces raised, and to be raised, for the defence of the colony. The ships of war belonging to his majesty, which had been cruising in the James and York rivers during the whole summer, had committed many petty acts of depredation and plunder along the shores, which the people now eagerly desired to resent, and an opportunity of gratification soon offered. The captain of the Otter sloop of war, on the 2d of September, ventured upon one of his plundering expeditions in a tender, and was driven ashore near Hampton by a violent tempest. The crew left the vessel on the shore, and made their escape in the night, and next morning the people boarded and set fire to her. This naturally roused Captain Squire's resentment, and he threatened instant destruction to the town; but the committee of safety at Williamsburg, having heard of the affair, detached Colonel Woodford, with three companies, to repel the attack, which was so effectually done, that the assailants were soon glad to make

a precipitate flight, with considerable loss. This affair produced a proclamation from his lordship, (who continued to hold his head-quarters on board one of the ships,) in which he not only declared martial law, but freedom to all the slaves who would join his standard. By this means he soon collected a crew well suited to his designs; and having fortified himself at the Great Bridge, near Norfolk, continued for some time to commit such acts of wanton barbarity and contemptible depredations, as to disgust even those who had until now continued friendly to the cause of the king. The committee of safety finding themselves called upon to put a stop to his lordship's savage warfare, despatched Colonel Woodford to drive him from his hold. Having arrived within cannon shot of Lord Dunmore's position, the Americans halted, and threw up some hasty entrenchments. His lordship, hearing that the provincials amounted only to three hundred men, badly armed, conceived the design of surprising them; and for this purpose Captain Leslie, with the regulars and slaves, crossed the bridge before day-light, and entered the camp of the provincials, just as they were parading under arms. Captain Fordyce advanced to the attack with the grenadiers, and was among the first that fell. The whole number of grenadiers were either killed, wounded, or made prisoners, and the rest of the royal party were obliged to make a rapid retreat. Disappointed in their hopes, the governor's party abandoned their works the following night, and retired to their shipping, leaving Woodford, who was now joined by Colonel Howe from North Carolina, the complete command of Norfolk. After continuing to assail the coasts of Virginia for a considerable time, but almost every where unsuccessfully,* Lord Dunmore was at length compelled to abandon his hostile designs against the colonists. Some of his ships were driven upon that coast, where the wretched fugitives were made prisoners by their own fellow-citizens, and immured in dungeons. To escape a similar fate, Dunmore burnt the ships of least value; and the miserable remains of soldiers and loyalists, assailed at once by tempests, famine, and disease, sought refuge in Florida, Bermudas, and the West Indies.

Notwithstanding the extent to which hostilities had been carried, a large portion of the colonists had hitherto continued to entertain some hope of an amicable termination of the dispute; and it is evident,

* On the 1st day of January, 1776, the town of Norfolk, in Virginia, was set on fire by the British, under the direction of Lord Dunmore and reduced to ashes. On the arrival of the Liverpool man-of-war from England, a flag was sent on shore to put the question, whether the provincials would supply his majesty's ship with

from the transactions we are about to record, that many felt sincerely desirous not to frustrate such a result. The want of more regular and stable governments had for some time been felt in those colonies where royal governments had hitherto existed; and in the autumn of 1775, New Hampshire applied to congress for their advice and direction on this subject. In November, congress advised the convention of that colony, to call a full and free representation of the people; when the representatives, if they thought it necessary, should establish such a form of government as, in their judgment, would best promote the happiness of the people, and most effectually secure peace and good order during the continuance of the dispute between Great Britain and the colonies. On this question the members of congress were not unanimous. It was viewed by some as a step necessarily leading to independence; and by some of its advocates it was probably intended as such. To render the resolution less exceptionable, the duration of the government was limited to the continuance of the dispute with the parent country. Soon afterwards, similar directions and advice were given to South Carolina and Virginia.

The last hopes of the colonists for reconciliation rested on the success of their second petition to the king; and the answer of their sovereign to this application was expected with extreme solicitude. Information, however, was soon received from Mr. Penn, who was intrusted with the petition, that no answer would be given. This intelligence was followed by that of great additional preparations to subdue the "American rebels." The king, in his speech at the opening of parliament in October, not only accused the colonists of revolt, hostility, and rebellion, but stated that the rebellious war carried on by them was for the purpose of establishing an independent empire. To prevent this, he declared that the most decisive and vigorous measures were necessary; that he had consequently increased his naval establishment, had augmented his land forces, and had also taken measures to procure the aid of foreign troops. He at the same time stated his intention of appointing certain persons with authority to grant pardons to individuals, and to receive the submission of whole colonies disposed to return to their allegiance. Large majorities in both houses assured the king of their firm support in his measures for reducing the colonists to obedience. The addresses,

provisions, and a negative answer being returned, it was determined to destroy the town. The whole loss was estimated at three hundred thousand pounds sterling. The provincials themselves destroyed the houses and plantations near the water, to deprive the ships of every resource of supply.

however, in answer to the speech, were opposed with great ability. The project of employing foreign troops to destroy American subjects, was reprobated by the minority in the strongest terms. The plans of the ministry, however, were not only approved by parliament, but by a majority of the nation. The idea of making the colonists share their burdens, could not easily be relinquished by the people of Great Britain; and national pride would not permit them to yield the point of supremacy. War was now, therefore, to be waged against the colonies, and a force sent out sufficiently powerful to compel submission, even without a struggle. For these purposes the aid of parliament was requisite; and about the last of December an act was passed, prohibiting all trade and commerce with the colonies, and authorizing the capture and condemnation, not only of all American vessels, with their cargoes, but all other vessels found trading in any port or place in the colonies, as if the same were the vessels and effects of open enemies; and the vessels and property thus taken were vested in the captors, and the crews were to be treated, not as prisoners, but as slaves.* The passing of this act shut the door against the application of the colonies for a reconciliation. The last petition of congress to the king had, indeed, been laid before parliament, but both houses refused to hear it, or even to treat upon any proposition coming from such an unlawful assembly, or from those who were then in arms against their lawful sovereign. In the house of lords, on the motion of the Duke of Richmond, Mr. Penn was examined on American affairs. He stated, among other things, that the colonists were desirous of reconciliation, and did not aim at independence; that they were disposed to conform to the acts regulating their trade, but not to taxation; and that on this point a spirit of resistance

was universal. After this examination, the Duke of Richmond moved a resolution, declaring that the petition of congress to the king was a ground for a reconciliation of the differences between the two countries. This motion was negatived, after a warm debate, by eighty-six to thirty-three. These proceedings of the king and parliament, with the employment of sixteen thousand foreign mercenaries, convinced the leading men in each colony, that the sword alone must decide the contest, and that the colonists must now declare themselves totally independent of Great Britain.

Time, however, was still requisite, to convince the great mass of the American people of the necessity of a complete separation from their parent country, and the establishment of independent governments. The ablest pens were employed throughout America, in the winter of 1775-6, on this momentous subject. The propriety and necessity of the measure was enforced in the numerous gazettes, and in pamphlets. Among the latter, "Common Sense," from the popular pen of Thomas Paine, produced a wonderful effect in the different colonies in favour of independence. Influential individuals in every colony urged it as a step absolutely necessary to preserve the rights and liberties, as well as to secure the happiness and prosperity of America.†

When the prohibitory act reached America, congress, justly viewing it as a declaration of war, directed reprisals to be made, both by public and private armed vessels, against the ships and goods of the inhabitants of Great Britain, found on the high seas, or between high and low water mark. They also burst the shackles of commercial monopoly, which had so long kept them in bondage, and opened their ports to all the world, except the dominions of Great Britain. In this state of things, it was pre-

* By a most extraordinary clause in the act, it was made lawful for the commander of a British vessel to take the masters, crews, and other persons, found in the captured vessels, to put them on board any other British armed vessel, and enter their names on the books of the same; and from the time of such entry, such persons were to be considered in the service of his majesty, to all intents and purposes, as though they had entered themselves voluntarily on board of such vessel. By this means the Americans might be compelled to fight even against their own friends and countrymen. This clause in the act excited the indignation of many in both houses of parliament, and drew from them the strongest epithets of reprobation. This treatment of prisoners, they declared not only unjust, but a refinement in cruelty unknown among savage nations. No man, they said, could be despoiled of his goods as a foreign enemy, and at the same time compelled to serve the state as a citizen. Such a compulsion upon prisoners was unknown in any case of war or rebellion; and the only example of the kind that could be produced, must be found among pirates, the outlaws and enemies of human society. Some of the lords, in their protest against the act, described it "as a refinement in cruelty," which, "in a sentence worse than death, obliged the unhappy men who should be

made captives in that predatory war, to bear arms against their families, kindred, friends, and country; and after being plundered themselves, to become accomplices in plundering their brethren." The ministry, on the other hand, pretended to view this treatment of American prisoners rather as an act of grace and favour than of injustice or cruelty.

† The chief justice of South Carolina, William Henry Drayton, appointed under the new form of government just adopted, in his charge to the grand jurors, in April, after justifying the proceedings of that colony, in forming a new government, on the principles of the revolution in England, in 1688, thus concludes: "The Almighty created America to be independent of Great Britain: let us beware of the impiety of being backward to act as instruments in the Almighty hand, now extended to accomplish his purpose; and by the completion of which alone, America, in the nature of human affairs, can be secure against the crafty and insidious designs of her enemies, who think her power and prosperity already by far too great. In a word, our piety and political safety are so blended, that to refuse our labours in this divine work, is to refuse to be a great, a free, a pious, and a happy people."—Pitkin, vol. i p. 359.

posterous for the colonists any longer to consider themselves as holding or exercising the powers of government under the authority of Great Britain. Congress, therefore, on the 10th of May, recommended to the assemblies and conventions of the colonies where no sufficient government had been established, "to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general." They also declared it necessary, that the exercise of every kind of authority under the crown should be suppressed, and that all the powers of government should be exercised "under the authority of the people of the colonies, for the preservation of internal peace, virtue, and good order, as well as for the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies." This was a preliminary step to a general declaration of independence. Some of the colonial assemblies and conventions about the same time began to express their opinions on this great question. On the 22d of April, the convention of North Carolina empowered their delegates in congress "to concur with those in the other colonies in declaring independence." This, it is believed, was the first direct public act of any colonial assembly or convention in favour of the measure.* The convention of Virginia soon afterwards expressed itself still more decidedly. After full deliberation, the following resolutions were passed unanimously :

"That the delegates appointed to represent this colony in general congress, be instructed to propose to that respectable body, to *declare the United Colonies free and independent states*, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain ; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the congress for forming foreign alliances, and a confederation of the colonies, at such time and in the manner as to them shall seem best. Provided, that the power of forming governments for, and the regu-

lations of, the internal concerns of each colony, be left to the respective colonial legislatures.

"That a committee be appointed to prepare a declaration of rights, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people."†

Early in the year the British government had prepared a considerable expedition to reduce the southern colonies to obedience. The command was intrusted to Sir Peter Parker and Earl Cornwallis. On the 3d of May, Admiral Parker, with twenty sail, arrived at Cape Fear. They found General Clinton ready to co-operate with them. He had left New York, and proceeded to Virginia, where he had an interview with Lord Dunmore ; but finding nothing could be effected in that colony, he repaired to Cape Fear, to await the arrival of the armament from England. Meanwhile, the Carolinians had been making great exertions. In Charleston the utmost energy and activity was evinced. The citizens pulled down the valuable storehouses on the wharfs, barricaded the streets, and constructed lines of defence along the shore. Abandoning their commercial pursuits, they engaged in incessant labour, and prepared for bloody conflicts. The troops, amounting to between five and six thousand men, were stationed in the most advantageous positions. Amidst all this bustle and preparation, lead was so extremely scarce, that the windows of Charleston were stripped of their weights, in order to procure a small supply of that necessary article for bullets. Early in June, the armament, consisting of between forty and fifty vessels, appeared off Charleston Bay, and thirty-six of the transports passed the bar, and anchored about three miles from Sullivan's Island. Some hundreds of the troops landed on Long Island, which lies on the west of Sullivan's Island, and which is separated from it by a narrow channel, often fordable. On the 10th of the month, the Bristol, a fifty gun ship—having taken out her guns, got safely over the bar ; and on the 25th, the Experiment, a ship of equal force, arrived, and next day passed in the same way.

* Pitkin's Political and Civil History, vol. i. p. 361.

† "This measure was followed by the most lively demonstrations of joy. The spirit of the times is interestingly manifested by the following paragraph from Purdie's paper of the 17th of May, which immediately succeeds the annunciation of the resolutions:—'In consequence of the above resolutions, universally regarded as the only door which will lead to safety and prosperity, some gentlemen made a handsome collection for the purpose of treating the soldiery, who next day were paraded in Waller's grove, before Brigadier-General Lewis, attended by the gentlemen of the committee of safety, the members of the general convention, the inhabitants of this city, &c. The resolutions being read aloud to the army, the following toasts were given, each of them accompanied by a dis-

charge of the artillery and small arms, and the acclamations of all present:—1. The American Independent States.—2. The grand congress of the United States, and their respective legislatures.—3. General Washington, and victory to the American arms.—The union flag of the American states waved upon the capitol during the whole of this ceremony ; which, being ended, the soldiers partook of the refreshments prepared for them by the affection of their countrymen, and the evening concluded with illuminations and other demonstrations of joy ; every one seeming pleased that the domination of Great Britain was now at an end, so wickedly and tyrannically exercised for these twelve or thirteen years past, notwithstanding our repeated prayers and remonstrances for redress.'

—Wirt's Life of Henry, p. 195.

On the part of the British, every thing was now ready for action. Sir Henry Clinton had nearly three thousand men under his command. The naval force, under Sir Peter Parker, consisted of the Bristol and Experiment, of fifty guns; the Active, Acteon, Solebay, and Syren frigates; the Friendship, of twenty-two, and the Sphinx, of twenty guns; the Ranger sloop, and Thunder bomb. On the forenoon of the 28th of June, this fleet advanced against the fort on Sullivan's Island, which was defended by Colonel Moultrie, with about three hundred and fifty regular troops, and some militia. The Thunder bomb began the battle. The Active, Bristol, Experiment, and Solebay, followed boldly to the attack, and a terrible cannonade ensued. The fort returned the fire of the ships slowly, but with deliberate and deadly aim; and the contest was carried on during the whole day with unabating fury. The Sphinx, Acteon, and Syren, were ordered to attack the western extremity of the fort, which was in a very unfinished state; but, as they proceeded for that purpose, they got entangled with a shoal, called the Middle Ground. Two of them ran foul of each other: the Acteon stuck fast; the Sphinx and Syren got off; but, fortunately for the Americans, that part of the attack completely failed. It was designed that Sir Henry Clinton, with his corps, should co-operate with the naval operations by passing the narrow channel which separates Long Island from Sullivan's Island, and assail the fort by land; but this the general found impracticable, for the channel, though commonly fordable, was at that time, by a long prevalence of easterly winds, deeper than usual; and even had the channel been fordable, the British troops would have found the passage an arduous enterprise; for Colonel Thomson, with a strong detachment of riflemen, regulars, and militia, was posted on the east end of Sullivan's Island, to oppose any attack made in that quarter. The engagement, which began about eleven o'clock in the forenoon, continued with unabated fury till seven in the evening, when the fire slackened, and about nine entirely ceased on both sides. During the night, all the ships, except the Acteon, which was aground, removed about two miles from the island. Next morning, the fort fired a few shots at the Acteon, and she at first returned them; but, in a short time, her crew set her on fire, and abandoned her. She blew up shortly afterwards. In this obstinate engagement both parties fought with great gallantry. The loss of the British was very considerable, upwards of sixty being killed, and one hundred and sixty wounded; while the garrison lost only ten men killed, and twenty-two wounded. Al-

though the Americans were raw troops, yet they behaved with the steady intrepidity of veterans. One circumstance may serve to illustrate the cool but enthusiastic courage which pervaded their ranks. In the course of the engagement, the flag-staff of the fort was shot away; but Sergeant Jasper leaped down upon the beach, snatched up the flag, fastened it to a sponge-staff, and while the ships were incessantly directing their broadsides upon the fort, he mounted the merlon, and deliberately replaced the flag. The fate of this expedition contributed greatly to establish the popular government it was intended to destroy, while the news of it spread rapidly through the continent, and exercised an equally unfavourable influence on the royal cause: the advocates of the irresistibility of British fleets and armies were mortified and silenced; and the brave defence of Fort Moultrie saved the southern states from the horrors of war for several years.

In South Carolina, the government took advantage of the hour of success to conciliate their opponents in the province. The adherents of royal power, who, for a considerable time, had been closely imprisoned, on promising fidelity to their country, were set at freedom, and restored to all the privileges of citizens. The repulse of the British was also attended with another advantage, that of leaving the Americans at liberty to turn their undivided force against the Indians, who had attacked the western frontier of the southern states with all the fury and carnage of savage warfare. In 1775, when the breach between Great Britain and her colonies was daily becoming wider, one Stuart, the agent employed in conducting the intercourse between the British authorities and the Cherokees and Creeks, used all his influence to attach the savages to the royal cause, and to inspire them with jealousy and hatred of the Americans. He found little difficulty in persuading them that the Americans, without provocation, had taken up arms against Britain, and were the means of preventing them from receiving their yearly supplies of arms, ammunition, and clothing, from the British government. The Americans had endeavoured to conciliate the good will of the Indians, but their scanty presents were unsatisfactory, and the savages resolved to take up the hatchet. Deeming the appearance of the British fleet in Charleston Bay a fit opportunity, the Cherokees invaded the western frontier of the province, marking their track with murder and devastation. The speedy retreat of the British left the savages exposed to the vengeance of the Americans, who, in separate divisions, entered their country at different points, from Virginia and

Georgia defeated their warriors, burned their villages, laid waste their corn-fields, and incapacitated the Cherokees for a considerable time from giving the settlers further annoyance. Thus, in the south, the Americans triumphed both over the British and the Indians.

On the 7th of June, the great question of independence was brought directly before congress, by Richard Henry Lee, one of the delegates from Virginia. He submitted a resolution, declaring "that the united colonies are, and ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved." The resolution was postponed until the next day, and every member enjoined to attend, to take the same into consideration. On the 8th it was debated in committee of the whole house. No question of greater magnitude was ever presented to the consideration of a deliberative body, or debated with more energy, eloquence, and ability. On the 10th it was adopted in committee, by a bare majority. The delegates from Pennsylvania and Maryland were instructed to oppose it, and the delegates from some of the other colonies were without special instructions on the subject. To give time for greater unanimity, the resolution was postponed in the house until the 1st of July. In the mean time, a committee was appointed to prepare a declaration of independence. During this interval, measures were taken to procure the assent of all the colonies.

On the day appointed, the resolution relating to independence was resumed in the general congress, referred to a committee of the whole house, and assented to by all the colonies, except Pennsylvania and Delaware. The committee appointed to prepare a declaration of independence selected Mr. Adams and Mr. Jefferson as a sub-committee, and the original draft, was made by Mr. Jefferson. This draft, without any amendment by the committee, was reported to congress, and, after undergoing several amendments, received their sanction.

The course of time has now brought us to the decisive hour when a new empire, of a character the most extraordinary, springs into being. The world has known no rest since this grand confederacy took her rank among the nations of the earth; her example infused a power into the principles of liberty which for nearly two centuries had been dormant; although in another hemisphere, it has exercised more influence on the state of the public mind in Europe than did the great struggle in the days of the commonwealth; and the world will know rest no

more, till, under whatever form, the great lessons of freedom which American history enforces, have been listened to, and embodied in action, by every nation of the globe. We are persuaded we shall entirely meet the feelings of our readers, by closing this chapter with that ever memorable document, which gave national existence to an empire whose birth has opened so brilliant a prospect to the world—

THE DECLARATION OF INDEPENDENCE.

"A Declaration by the Representatives of the United States of America, in Congress assembled."

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpation, all having in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

"He has refused his assent to laws the most wholesome and necessary for the public good.

"He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

"He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

"He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

"He has dissolved representative houses, repeatedly, for opposing with manly firmness his invasions on the rights of the people.

"He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

"He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

"He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

"He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

"He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

"He has affected to render the military independent of, and superior to, the civil power.

"He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:—

"For quartering large bodies of armed troops among us:

"For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

"For cutting off our trade with all parts of the world:

"For imposing taxes on us without our consent:

"For depriving us, in many cases, of the benefits of trial by jury:

"For transporting us beyond seas to be tried for pretended offences:

"For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

"For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

"For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

"He has abdicated government here, by declaring us out of his protection, and waging war against us.

"He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

"He is, at this time, transporting large armies of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

"He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

"He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

"In every stage of these oppressions we have petitioned for redress, in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

"Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt

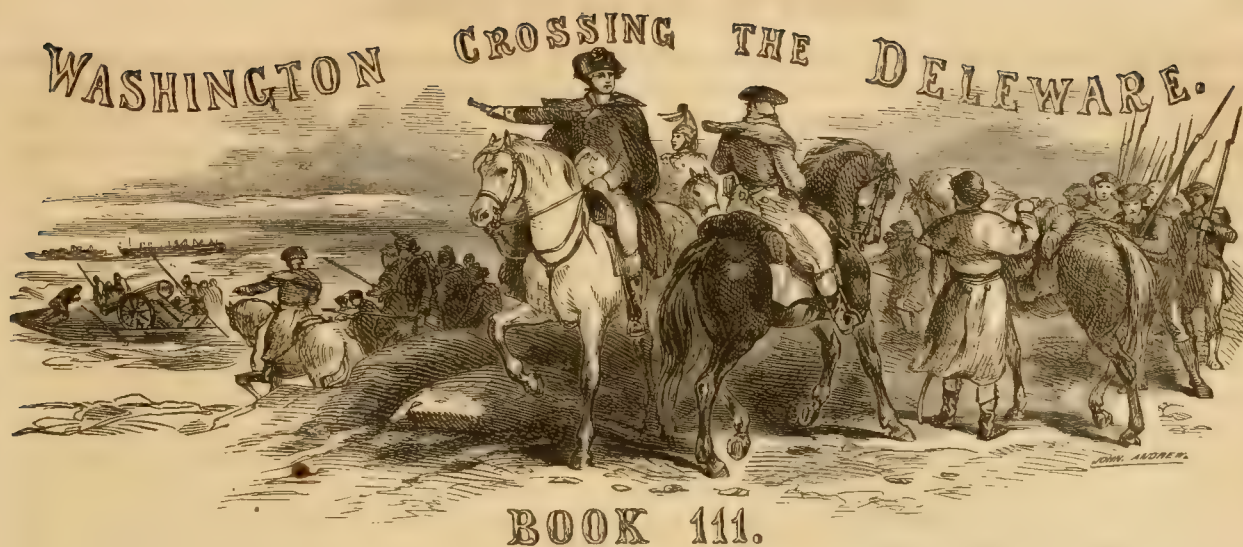
our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

"We, therefore, the representatives of the United States of America in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE and INDE-

PENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour."*

* This declaration was directed to be engrossed, and on the 2d of August, 1776, was signed by all the members then present, and by some who were not members on the 4th of July.

Authenticated fac-similes of the signatures are given in an engraved plate.



CHAPTER I.

FROM THE CAMPAIGN OF 1776 TO THAT OF 1779.

THE noblest employ of the pen of history, is to develop facts which illustrate the progress of the human mind. The age is passed away, when the record of the operations of brute force, even when presented in the fascinating garb of military achievements, could be dwelt upon with feelings of unmingled satisfaction and delight. The slaughter of man by his fellow-man, the consigning of cities to the flames, the substituting of the cries of the widow and the orphan for the smiles of domestic peace, are deeds which civilized nations would now be well content to obliterate from their history; but if this cannot be, it is better that the desolations of war should be merely sketched in faithful outline, rather than exhibited in a highly wrought picture, tending to excite an admiration of its character, and a perpetuation of its evils. True it is, that the ardour of a disinterested patriot cannot be exhibited in too strong a light; but his glory arises far more from the grandeur of the motives which actuate him, than from exploits in the field of blood, to which he is sometimes inevitably, though reluctantly, borne. Having already dwelt at considerable length on the devoted patriotism of the inhabitants of the American colonies, we shall, in the subsequent pages, rather state the results than the details of their military operations, which, happily for the world, terminated in the establishment and recognition of a republic possessing all the elements of a great empire, and exhibiting a rapidity of progress which ought to excite the admiration, not the envy, of every civilized nation of the earth. We feel the more satisfaction in proposing to notice but concisely the details of

hostilities, as ample justice has already been done to them by several writers, both in America and England, while that portion of the history most capable of affording moral and political instruction, has, in our own country at least, hitherto received a very partial and inadequate degree of attention. We shall, however, give an outline of military operations amply sufficient to answer all the purposes of the history.

General Washington, after compelling the British to abandon Boston, had made every possible preparation for the defence of New York, where he had fixed his head-quarters. To second his exertions, the congress instituted a flying camp, to consist of an intermediate corps, between regular soldiers and militia; and called for ten thousand men from the states of Pennsylvania, Maryland, and Delaware, to be in constant service to the first day of the ensuing December; and for thirteen thousand eight hundred of the common militia, from Massachusetts, Connecticut, New York, and New Jersey. The command of the naval force destined to operate against New York was given to Admiral Howe, while his brother, Sir William, was entrusted with the command of the army; and, in addition to their military powers, the brothers were appointed commissioners for restoring peace to the colonies. General Howe, after waiting two months at Halifax for expected re-enforcements from England, sailed with the force which he had previously commanded in Boston; and, directing his course towards New York, arrived on the 25th of June off Sandy Hook. Admiral Lord Howe, with part of the re-enforcement from England, arrived at Halifax soon after his brother's departure, and, without dropping anchor, followed, and joined him on the 12th of July, at Staten Island. General Clinton arrived there about the same time, with the troops

brought back from the expedition of Charleston and South Carolina; Commodore Hotham also appeared there with a re-enforcement under his escort; and in a short time the British army amounted to about twenty-four thousand men, English, Hessians, and Waldeckers. The royal commissioners, before they commenced military operations, attempted to effect a re-union between the colonies and Great Britain. Lord Howe announced his pacific powers to the principal magistrates of the several colonies. He promised pardon to all, who, in the late times, had deviated from their allegiance, on condition of their speedily returning to their duty; and, in case of their compliance, encouraged their expectation of the future favour of their sovereign. In his declaration, he observed, "that the commissioners were authorized, in his majesty's name, to declare any province, colony, county, district, or town, to be at peace with his majesty; that due consideration should be had to the meritorious services of any who should aid or assist in restoring the public tranquillity; that their dutiful representations should be received, pardons granted, and suitable encouragement to such as would promote the measures of legal government and peace, in pursuance of his majesty's most gracious purposes." These pacific proposals were regarded by the Americans as only an attempt to sow dissensions among them, and were never for a moment seriously regarded by any of the patriotic party. The British forces waited so long to receive accessions from Halifax, the Carolinas, the West Indies, and Europe, that the month of August was far advanced before they commenced the campaign. The commanders, having resolved to make their first attempt on Long Island, landed their troops, estimated at about twenty-four thousand men, at Gravesend Bay, to the right of the Narrows. The Americans, to the amount of fifteen thousand, under Major-General Sullivan, were posted on a peninsula between Mill Creek, a little above Red Hook, and an elbow of East River, called Wallebout Bay. Here they had erected strong fortifications, which were separated from New York by East River, at the distance of a mile. A line of entrenchment from the Mill Creek enclosed a large space of ground, on which stood the American camp, near the village of Brooklyn. This line was secured by abattis, and flanked by strong redoubts. The armies were separated by a range of hills, covered with a thick wood, which intersects the country from west to east, terminating on the east, near Jamaica. Through these hills there were three roads; one near the Narrows, a second by the Flatbush road, and a third by the Bed-

ford road; these were the only passes from the south side of the hills to the American lines, excepting a road which led to Jamaica, round the easterly end of the hills; and General Putnam, agreeably to the instructions of General Washington, had detached a considerable part of his men to occupy them.

On the 26th, the main body of British troops, with a large detachment of Germans, landed under cover of the ships, on the south-western extremity of Long Island, and, advancing in three divisions, took post upon the south skirt of the wood; General Grant upon their left, near the coast; the German general, De Heister, in the centre, at Flatbush; and General Clinton upon their right, at Flatland. Only the range of hills now separated the two armies, and the different posts of the British were distant from the American camp from four to six miles. In the evening, General Clinton, without beat of drum, marched with the infantry of his division, a party of light horse, and fourteen field pieces, to gain the defile on the Jamaica road. During the night he surprised an American party stationed here to give the alarm of an approaching enemy, and, undiscovered by Sullivan, seized the pass. At day-break he passed the heights, and descended into the plain on the side of Brooklyn. Early in the morning, General De Heister, at Flatbush, and General Grant upon the west coast, opened a cannonade upon the American troops, and began to ascend the hill; but they moved very slowly, as their object was to draw the attention of the American commander from his left, and give General Clinton opportunity to gain the rear of the American troops stationed on the heights. General Putnam, in the apprehension that the serious attack would be made by De Heister and Grant, sent detachments to re-enforce General Sullivan and Lord Stirling at the defiles, through which those divisions of the enemy were approaching. When General Clinton had passed the left flank of the Americans, about eight o'clock in the morning of the 27th, De Heister and Grant vigorously ascended the hill; the troops which opposed them bravely maintained their ground, until they learned their perilous situation from the British columns which were gaining their rear. As soon as the American left discovered the progress of General Clinton, they attempted to return to the camp at Brooklyn, but their flight was stopped by the front of the British column. In the mean time, the Germans pushed forward from Flatbush, and the troops in the American centre, under the immediate command of General Sullivan, having also discovered that their flank was turned, and that the enemy was gaining their rear, in haste retreated

towards Brooklyn. Clinton's columns continuing to advance, intercepted them; they were attacked in front and rear, and alternately driven by the British on the Germans, and by the Germans on the British. Desperate as their situation was, some regiments broke through the enemy's columns, and regained the fortified camp; but most of the detachments upon the American left and centre, were either killed or taken prisoners. The detachment on the American right, under Lord Stirling, maintained a severe conflict with General Grant, for six hours, until the van of General Clinton's division, having crossed the whole island, gained their rear. Lord Stirling perceived his danger, and found that his troops could be saved only by an immediate retreat over a creek near the cove. He gave orders to this purpose; and, to facilitate their execution, he in person attacked Lord Cornwallis, who, by this time, having gained the coast, had posted a small corps in a house, just above the place where the American troops must pass the creek. The attack was bravely made with four hundred men; but his lordship being re-enforced from his own column, and General Grant at-

tacking Lord Stirling in the rear, this brave band was overpowered by numbers, and those who survived were compelled to surrender themselves prisoners of war; but this spirited assault gave opportunity for a large proportion of the detachment to escape. General Washington passed over to Brooklyn in the heat of the action; but, unable to rescue his men from their perilous situation, was constrained to be the inactive spectator of the slaughter of his best troops. The loss of the Americans on this occasion, for the number engaged, was great; General Washington stated it at a thousand men; but his returns probably included only the regular regiments. General Howe, in an official letter, made the prisoners amount to one thousand and ninety-seven. Among these were Major-General Sullivan and Brigadier-General Lord Stirling. Brigadier-General Woodhull (then called *Udall*) is named as having been taken prisoner at the battle. This is however erroneous, he not having been engaged in the conflict, and his capture not having occurred until the following day, at a different part of the island.* The British loss, as stated by General Howe, was twenty-one officers,

* Nathaniel Woodhull, a distinguished martyr to the cause of American liberty, was descended from an English family of great respectability, among some of the branches of which the ancient spelling of the name of *Woodhull*, is yet preserved. He was the eldest son of Nathaniel Woodhull, of Suffolk county, Long Island. His great grandfather, Richard Woodhull, Esq. was one of those whom an abhorrence of civil and ecclesiastical tyranny drove in such numbers to our shores, and he settled at an early period of the history of the colony of New York, at Seatacot, on Long Island. After the capture and organization of the province of New York, a grant was issued by Gov. Nicolls, (in 1666,) of the town of Brookhaven, to Richard Woodhull and others. He served in the magistracy and principal offices of the town, until his death, which occurred about thirty years afterwards.

The subject of the present memoir was born on the 30th day of December, 1722, O. S. on an extensive farm at Mastic, on the south side of Long Island, now belonging to his daughter, Mrs. Elizabeth Smith, which became the property of his grandfather, Richard Woodhull, Jr. partly by purchase from the Indians, and grant from the governor, and partly by transfer from the original settler. His early life was passed in assisting his father in cultivating the possessions which he afterwards inherited. In 1761, he was married to Ruth Floyd, a sister of the Hon. William Floyd, one of the signers of the declaration of American Independence.

Being appointed a major in the provincial forces of New York, Mr. Woodhull, in 1758, served in that capacity, in the army under General Abercrombie, intended for the reduction of Ticonderoga and Crown Point. He was engaged in the daring, or rather the rash assault, ordered by the English general before the arrival of his artillery, upon the former place, which, strongly fortified, was defended by a garrison of more than five thousand men, and protected on its only assailable side by fallen trees, with their branches projecting outward, so cut as to answer the purpose of chevaux-de-frise. After an exposure of four hours to the covered fire of the French, during which time every effort of heroic perseverance proved ineffectual in making an impression on the enemy's works, the assailing force was obliged to retire to the southern side of Lake George, with a loss of about 2000 men killed or dangerously wounded.

Desirous of wiping off the stain of this repulse, Gen. Abercrombie detached a portion of his army on an expedition against Cade-

raqui, or Fort Frontenac, (now Kingston,) an important fortress at the communication of Lake Ontario with the river St. Lawrence. Lieut. Col. Bradstreet, with whom the design originated, commanded this enterprise, having a train of eight cannon and three mortars, and a body of 3000 men, of whom, about 150 only were regulars. The rest of the detachment was composed of provincials, from Massachusetts, Rhode Island, New Jersey, and New York. Those of the latter province amounted to somewhat more than 1100 men, of whom, one battalion, of 440 men, was placed under the command of Lieut. Col. Charles Clinton, (the grandfather of the late De Witt Clinton;) and the second battalion, of 670 men, was confided to Lieut. Col. Corsa and Major Woodhull. On the 27th of August, 1758, a combined operation against the fort was made by land and water; the conduct of the forces in the boats being committed to Lieut. Col. Corsa and Major Woodhull, with orders to receive the fire of the fort without returning it, until their troops had landed and formed. The resolution with which the operations were conducted, dispirited the enemy, whose forces were insufficient to the defence of their works, and after a feeble resistance, the garrison struck their colours, and capitulated. Immense stores of provisions and merchandise, intended for the supply of the French forces in America, sixty pieces of cannon, sixteen mortars, and nine armed vessels, some of them carrying eighteen guns, were the fruits of this surrender.

Whether Mr. Woodhull was employed in the campaign of the following year, is not ascertained, most of his papers having been accidentally destroyed by fire, a few years after his death. It is believed, however, that he marched either with the force which Gen. Prideaux conducted, in 1759, against Niagara, or with that led by Gen. Amherst against Ticonderoga and Crown Point, both of which enterprises had a successful issue. In 1760, he served as colonel of the third regiment of New York provincials, in the army under Gen. Amherst, which marched against Montreal, and effected the final reduction of Canada. Upon the capitulation of the Marquis de Vaudreuil, Colonel Woodhull, with his troops, returned to New York, and he retired to private life.

The removal of the neighbourhood of French power, so dangerous to the colonists, and the consciousness of the latter that they had efficiently contributed to its achievement, were calculated to produce among them a more free inquiry into the relative rights of the provinces and the mother country, and of their own ability sus-

and three hundred and forty-six privates killed, wounded, and taken prisoners.

The British now encamped in front of the American lines, and on the succeeding night broke

cessfully to assert their privileges. The spirit to which this inquiry gave rise, was stimulated by the pretensions set up at home, which, first assuming that America was to be taxed by the British parliament, for the expenses of whatever attacks the wars of interest, or ambition, in which the parent state engaged, should draw upon the colonists, grew into the assertion of a right, to tax them in all cases whatsoever. Acts of parliament rashly passed, and sometimes timidly repealed, only served to spread the existing discontent, and to hasten the impending crisis. Partaking of the general feeling, the assembly of New York, at the close of December, 1768, unanimously resolved, that no tax could, or ought to be imposed, or levied, on the persons or estates of his majesty's subjects within that colony, but of their own free gift, by their representatives convened in general assembly. The consequence was a dissolution of the body on the 2d of January, 1769, by the royal governor, Sir Henry Moore.

The proceedings of the assembly were highly approved by the people of Suffolk, among whom the primitive manners and republican feelings of their puritan ancestors, were in a remarkable degree preserved.

At the election in the spring of 1769, they returned to that body William Nicoll, Esq. who had been one of its former members, and Col. Nathaniel Woodhull. In the instructions drawn for their representatives, the county emphatically expressed their reliance on the exertions of their newly selected members, "to preserve their freedom, and the command over their own purses." The injunction was faithfully observed by Mr. Woodhull, who, during the six years that followed of the continuance of the royal government, was constant in his devotion to the rights of his countrymen, and his opposition to the party of the court.

In the convention which met in the city of New York, April 10th, 1775, to choose delegates to the continental congress, Mr. Woodhull appeared as a delegate from the county of Suffolk. Pursuant to a recommendation from the New York local committee, a provincial congress was soon afterwards deputed by the several counties of the colony, which met in that city, May 22d, 1775. This body practically asserted its right to entire sovereignty, superseding, in effect, from the time of its organization, and ultimately dissolving and expelling the royal authority. Colonel Woodhull was placed at the head of the delegation from Suffolk county. On the 22d of August, 1775, the provincial congress re-organized the militia of the colony into brigades, directing, "that a brigadier-general, with a major of brigade, be commissioned to the command of each brigade." The militia of Suffolk and Queens constituted one brigade, of which Mr. Woodhull was subsequently appointed to be the general, and Jonathan Lawrence, Esq., (a member of the provincial congress from Queens county,) to be major of brigade.

On the 28th of August, 1775, Gen. Woodhull was elected president of the provincial congress, and held the same office in the body that succeeded it, in 1776. Doubting its powers to conform to the recommendation of the continental congress, by erecting a new form of government, to the exclusion of all foreign control, the provincial congress, on the 31st of May, 1776, recommended to the electors of the several counties, to vest the necessary powers, either in their present delegates, or in others to be chosen in their stead. The British army having, on the 30th of June, appeared off the harbour of New York, the provincial congress, on its adjournment that day, directed that the congress, in which these new powers were vested, and which was to assemble on the 8th of July, should meet at White Plains. They did not, in fact, assemble until the 9th day of July, 1776, when General Woodhull was chosen president.

The declaration of independence, passed on the 4th instant, had not received the unanimous approbation of the colonies in continental congress, the delegates from the colony of New York having declined to vote, because, although they were personally for the measure, and believed their constituents to be so, they were fetter-

ground within six hundred yards of a redoubt on the left. In this critical state of the American army on Long Island,—in front a numerous and victorious enemy, with a formidable train of artillery, the fleet

ed by instructions drawn nearly a twelve month before, when the hope of reconciliation was yet cherished. Immediately on their meeting, the new provincial congress unanimously adopted the declaration, (Gen. Woodhull presiding,) on the part of the people of New York: thus filling the void occasioned by the want of the necessary powers in their delegates at Philadelphia. On the next day they assumed the title of "*the convention of the representatives of the state of New York*," and subsequently formed the first constitution of the state.

The invading army under Lord Howe, had landed on Staten Island, and by the command which their naval force secured over the neighbouring waters, they were enabled to threaten an attack from this point, either on Long Island or the island of New York. Gen. Washington was therefore obliged to divide the force collected to oppose them, a portion of which entrenched themselves at Brooklyn, while the residue were stationed at different parts of York Island. The New York convention had, on the 20th July, ordered one fourth of the militia of Queens and Suffolk to be drafted, and the two regiments thus obtained had marched under the command of Col. Josiah Smith, of Suffolk, and Col. Jeromus Remsen, of Queens, within the lines at Brooklyn, then commanded by Gen. Sullivan. On the 10th August, Gen. Woodhull's concerns requiring his return home, he obtained leave of temporary absence from the convention, whose sittings had been transferred to Harlem, and proceeded to his residence at Mastic, about seventy-five miles from New York. On the 22d of August, the uncertainty that had prevailed as to the first point of attack on the part of the invaders, was dispelled by the landing of a portion of their forces near New Utrecht. Aware of the increasing want of provisions among the enemy, and that, the American army being now confined to their lines, the whole stock and produce of Long Island would be in the power of the hostile troops, unless means were taken to prevent it, the convention of New York adopted a policy since successfully pursued on a larger scale by the Russians. This was to deprive the invading force of supplies, and thus compel their abandonment of the island, by removing the stock and other provisions in the adjacent country, or if that could not be effected, *by destroying them*. Resolutions were accordingly passed on the 24th August, 1776, ordering Gen. Woodhull, or, in his absence, Col. Potter, (who had served as a captain of the New York provincials in the campaigns against the French in 1758 and 1759,) to march without delay one half of the western regiment of militia of Suffolk county, with five days' provisions, into the western parts of Queens county; and that the officers of the militia of Queens should immediately order out the whole militia of that county, to effect the desired objects. An express being sent with these directions to Brigade-Major Lawrence, Col. Potter, and Gen. Woodhull, the latter reached Jamaica on the next day, (Sunday,) apprised the convention of his arrival there, and awaited the approach of the forces intended for his command.

The convention were fully aware, that the militia to be collected on this emergency, would be wholly insufficient to effect the above object, and more particularly to enable the general to station a force, agreeably to their wishes, on the high grounds in the western part of Queens county, to repel the ravaging parties of the enemy.

In the preceding year it had been necessary to despatch from the main, some of the troops under the command of Gen. Wooster, to Suffolk county, in order to prevent depredations along its exposed coast; and its armed inhabitants were not now more than competent to the same purpose. In Queens county a majority of the inhabitants were disaffected to the patriotic cause. They had, in the previous month of December, obtained arms from the Asia man-of-war, and had prevented, by superior numbers at the polls, an election, then attempted, of delegates to the provincial congress; inasmuch that a military intervention, under the direction of the continental congress, had been necessary, to deprive the tories of offensive weapons, and to secure to the whigs the freedom of election.

indicating an intention to force a passage into East River to make some attempt on New York, the troops lying without shelter from heavy rains, fatigued and dispirited,—it was determined to withdraw from the

A large number of the whigs of that county were already imbedded in the regiment of Col. Remsen, and many of those at home were overawed by the neighbourhood of the British force, or were employed in preparations for the flight of their families, if fortune should be favourable to the British arms.

The convention accordingly deputed a committee to Gen. Washington, advising him of their objects; of their apprehension of the insufficiency of the force they had ordered to join Gen. Woodhull; and of their conviction, that it would be most conducive to the public welfare, that the regiments of Colonels Smith and Remsen, should be added. The committee reported, on the 26th, that at the conference with Gen. Washington, he seemed well pleased, but said he was afraid it was too late. He however expressed his willingness to afford every assistance to the convention consistent with the public good, and stated that he would immediately give orders that Smith's and Remsen's regiments should march into Queens county, to join Gen. Woodhull. Notice of this result was forwarded to the latter, as well as of the expectation of the convention, that by the time he received their letter, he would have been joined by the promised re-enforcement.

On the same day, the whole militia force that had been collected, was assembled at Jamaica, and was found to consist only of about one hundred men, led by Col. Potter, from Suffolk county, about forty militia from Queens, and fifty horsemen belonging to the troop of Kings and Queens counties. With this handful of men, Gen. Woodhull advanced to the westward of Queens county, agreeably to his orders. Owing probably to the receipt of information, that increased numbers of the British had disembarked on the preceding day at New Utrecht, the commanding officer at Brooklyn did not detach the two Long Island regiments to join Gen. Woodhull, and by some fatality, the omission was neither communicated to the convention, nor explained to the expecting general. Disappointed in not meeting the additional troops, without whom he could not post any force on the heights, to repel depredations of the enemy, he nevertheless commenced with vigour the execution of the rest of his orders, placed guards and sentries to prevent communication between the tories and the enemy, and scouring, during this and the succeeding day, the country southward of the hills in Kings, and a considerable part of the towns of Newtown and Jamaica, he sent off an immense quantity of stock, collected there, towards the Great Plains, and ordered off a further quantity from near Hempstead. In the meantime his numbers had dwindled by the anxiety of the militia to reach their homes, and protect or remove their families, to less than one hundred men, who, as well as their horses, were worn down with the fatigue of the duty they had performed. What they had effected demonstrated, that with the force the convention had expected to place under his command, the object to which they attached so much importance, could have been readily accomplished. The subsequent disasters to the American arms would, however, have rendered its accomplishment useless.

Early on the 27th of August, a pass through the hills in Kings county, which had been left unguarded by the American troops, was taken possession of by the enemy. The American outposts were surprised, and the American army driven, after a sanguinary engagement, within their entrenchments at Brooklyn. Numbers of the British troops, during the same day, posted themselves on the hills between Newtown and Jamaica, and parties of the enemy's horse made incursions into the country, within a short distance of the general's force. In this state of things he retired to Jamaica, sending at different times two messages to the convention, apprising them of his situation, of the absolute necessity of re-enforcements, and of his conviction, that the two Long Island regiments could not join him, in consequence of the interruption of the communications. Unfortunately, the convention did not sit on that day, and the general receiving no answer, despatched his brigade-major, who was also a member of that body, to repeat his representa-

tion; and this difficult movement was effected with great skill and judgment, and with complete success.

The defeat of the 27th made a most unfavourable impression upon the army. A great proportion of

tions, and obtain their orders. The convention, at their meeting on the 28th, still adhered to their favourite project, believing that by crossing the East River to York Island, and making a detour to Flushing, the two regiments might still reach Jamaica. They accordingly sent Major Lawrence to General Washington, with a letter expressing that opinion, and referring him to the brigade-major for explanations as to the means. At the same time they directed the necessary preparations for the transportation and landing of the troops, and receiving soon after a reiteration of the call for an immediate re-enforcement, they deputed two of their body, (John Sloss Hobart and James Townsend, Esqrs.,) to repair to Gen. Woodhull with instructions and advice. Owing probably to the intermediate roads being in possession of the enemy, these gentlemen, it is believed, never reached him. Whether the express despatched by Major Lawrence, as soon as he was ordered on the mission to Gen. Washington, was more successful, is not known.

On the same morning, the convention forwarded a circular to the committees of the different towns of Connecticut, lying on the Sound, requesting their co-operation in removing the stock from Long Island to that state, and an application to the governor of Connecticut for such force as could be speedily obtained. An application to him had been intermediately made by Gen. Washington, to throw over a body of one thousand men upon the island.

In the afternoon, Major Lawrence returned from the American camp, bringing a letter from the commander in chief, declining the request of the convention for the desired re-enforcements, because, in the opinion of himself and his general officers, the men they had were not more than competent to the defence of their lines. The retreat across the river, which was effected on that night, might have been suspected and thwarted, if the passage of the two regiments had been attempted in open day. This no doubt formed an additional reason for non-compliance.

In the meantime, General Woodhull, whose notions of military obedience had been formed in the strictest school, was awaiting the expected orders and re-enforcements. His small body of troops had been directed to proceed eastward in the performance of their duties; he remaining with a few personal attendants at a house on the road side, about two miles from Jamaica, to receive some definitive reply to his messages. Here he was overtaken by a large detachment of the enemy, accompanied by some of the most active of the tories. After an ineffectual attempt at concealment, he surrendered himself a prisoner of war, giving up his sword, as is customary. Elated by the capture of a rebel general, and the president of the rebel convention, they coarsely and insultingly required him to cry, "God save the King!" His refusal to obey the degrading command, was rewarded by a repetition of the insult, and an accompanying cut of a sabre. At each succeeding denial, a blow of the cutlass, or a thrust of the bayonet, was aimed at the defenceless victim. No compunction of manly feeling, nor sensibility to shame, arose among his captors, to arrest this savage butchery, until his head and body were covered with wounds, when the interference of one of the officers averted the instant fate that had seemed to await him, and reserved him for new indignities and a lingering death.

He was hurried from the scene of this dastardly attack to Jamaica, on foot, and there confined in the stone church, formerly standing in the middle of the road, exposed, in his blood-stained garments, to the gaze of all whom curiosity, or malignant feeling, or concealed sympathy, attracted thither. On the following morning he was carried to Gravesend, where, with the late Colonel Robert Troup, and other prisoners, he was thrown on board a filthy prison ship, that had been employed to transport cattle for the use of the British army. From this situation he was subsequently released, and provided with accommodations on shore.

The wounds of the general had assumed a promising state, and hopes were entertained of his recovery, when a mortification of the arm ensued, rendering amputation necessary. Believing that this

the troops lost their confidence in their officers, and in themselves. Before this unfortunate event, they met the enemy in the spirit of freemen fighting for their highest interests, and under the persuasion that their thorough use of arms rendered them equal to the disciplined battalions which they were to oppose. But on this occasion, by evolutions which they did not comprehend, they found themselves encompassed with difficulties from which their utmost exertions could not extricate them, and involved in dangers from which their bravery could not deliver them; and entertaining a high opinion of the adroitness of the enemy, in every movement they apprehended a fatal snare.* No sooner had the British secured the possession of Long Island, than they made dispositions to attack New York. It was a serious question whether that place was defensible against so formidable an enemy; and General Washington called a council of general officers, to decide whether it should be evacuated without delay, or longer defended. The general officers, in compliance with the views of congress, were very averse from the abandonment of the city; and it was resolved, contrary to the individual opinion of Washington, to endeavour to defend the city. The army was accordingly arranged into three divisions, one of which, consisting of five thousand men, was to remain in New York; another, amounting to nine thousand, was to be stationed at King's Bridge; and the residue of the army was to occupy the intermediate space, so as to support either ex-

treme. The unexpected movements of the British soon evinced the correctness of the opinion of the general-in-chief; and in a second council it was determined, by a large majority, that it had become not only prudent, but necessary, to withdraw the army from New York. Several English ships of war passed up North River, on the one side of York Island, and East River on the other side; Sir Henry Clinton, embarking at Long Island, at the head of four thousand men, proceeded through Newtown Bay, crossed East River, and landed, under cover of the ships, at Kipp's Bay, about three miles above New York. Works of considerable strength had been thrown up at this place, to oppose the landing of the enemy; but they were immediately abandoned by the troops stationed in them, who, terrified at the fire of the ships, fled precipitately toward their main body, and communicated their panic to a detachment marching to their support. General Washington, to his extreme mortification, met this whole party retreating in the utmost disorder, and exerted himself to rally them; but, on the appearance of a small corps of the British, they again broke, and fled in confusion. Nothing was now left him but to withdraw the few remaining troops from New York, and to secure the posts on the heights. The retreat from New York was effected with a very inconsiderable loss of men, but all the heavy artillery, and a large portion of the baggage, provisions, and military stores, were unavoidably abandoned.

operation would be unavailing, he nevertheless submitted to it, asking leave, at the same time, for his wife to visit him. She arrived soon enough to attend him in his dying moments, and was permitted to remove his dead body, which was opened and prepared for the purpose by the British surgeon. Poignant as her feelings must have been, while accompanying the mangled corpse of her husband in its slow progress over a distance of seventy miles, she had yet the melancholy satisfaction of reflecting, that it was out of the hands of the enemy, and of depositing it on his late possessions, among the remains of his ancestors. A plain marble stone marks the spot, with the following inscription:—

In memory of
GEN. NATHANIEL WOODHULL,
 Who, wounded and a prisoner,
 Died on the 20th day of September, 1776,
 In the 54th year of his age,
 Lamented by all who knew how to value his many private virtues,
 And that pure zeal for the rights of his country,
 To which he perished a victim.

Hoping to negotiate an exchange of General Woodhull, the convention had despatched John Sloss Hobart, Esq., to the camp at Kingsbridge, the more readily to effect that object. He had made some progress in his mission, when he heard of the decease of his colleague, from an inhabitant of Islip, before whose door the sad procession passed.

The massacre of this gallant officer and eminent citizen, aroused in every patriotic breast the feelings due to the atrocity of the act, and to the qualities and station of its subject. Nor can its circumstances ever be recollected without sympathy and admiration for

the lofty spirit whom no extremity of suffering could bend to dishonour; nor without disdain and abhorrence of a coward brutality that vainly seeks for extenuation in the bitter animosities of the times.

General Woodhull had, by his marriage with Miss Floyd, a son, Nathaniel, and a daughter, Elizabeth, the former of whom died in his infancy. The latter, who still survives, was married first to Henry Nicoll, a member of the bar, and after his death to the late John Smith, one of the senators in the congress of the United States, from the state of New York.—*Knapp's American Biography.*

* These melancholy facts were thus narrated by General Washington, in his letter to congress:—"Our situation is truly distressing. The check our detachment sustained on the 27th ultimo, has dispirited too great a proportion of our troops, and filled their minds with apprehension and despair. The militia, instead of calling forth their utmost efforts to a brave and manly opposition, in order to repair our losses, are dismayed, intractable, and impatient to return. Great numbers of them have gone off; in some instances almost by whole regiments, by half ones, and by companies, at a time. This circumstance of itself, independent of others, when fronted by a well-appointed enemy, superior in number to our whole collected force, would be sufficiently disagreeable; but when their example has infected another part of the army,—when their want of discipline, and refusal of almost every kind of restraint and government, have produced a like conduct, but too common to the whole, and an entire disregard of that order and subordination necessary to the well doing of an army, and which had been inculcated before, as well as the nature of our military establishment would admit of,—our condition is still more alarming; and with the deepest concern I am obliged to confess my want of confidence in the generality of the troops."

The British, taking possession of New York, stationed a few troops in the capital; but the main body of their army was on York Island, at no great distance from the American lines. The day after the retreat from New York, a considerable body of the British appearing in the plains between the two camps, the general ordered Colonel Knowlton, with a corps of rangers, and Major Leitch, with three companies of a Virginia regiment, to get in their rear, while he amused them by making apparent dispositions to attack their front. The plan succeeded; and a skirmish ensued, in which the Americans charged the enemy with great intrepidity, and gained considerable advantage; but the principal benefit of this action was its influence in reviving the depressed spirits of the whole army. The armies did not long retain their position on York Island. The British frigates having passed up North River under a fire from Fort Washington and the post opposite to it on the Jersey shore, General Howe embarked a great part of his army in flat-bottomed boats, and, passing through Hell Gate into the Sound, landed at Frog's Neck. The object of the British general was, either to force Washington out of his present lines, or to enclose him in them. Aware of this design, General Washington moved a part of his troops from York Island, to join those at King's Bridge, and detached some regiments to West Chester. A council of war was now called, and the system of evacuating and retreating was adopted, with the exception of Fort Washington, for the defence of which nearly three thousand men were assigned. After a halt of six days, the royal army advanced, not without considerable opposition, along the coast of Long Island Sound, by New Rochelle, to White Plains, where the Americans took a strong position behind entrenchments. This post was maintained for several days, till the British having received considerable re-enforcements, General Washington withdrew to the heights of North Castle, about five miles from White Plains, where, whether from the strength of his position, or from the British general having other objects in view, no attempt at attack was made.

Immediately on leaving White Plains, General Howe directed his attention to Fort Washington and Fort Lee, as their possession would secure the navigation of the Hudson, and facilitate the invasion of New Jersey. On the 15th of November, General Howe, being in readiness for the assault, summoned the garrison to surrender. Colonel Magaw, the com-

manding officer, in spirited language, replied, that he should defend his works to extremity. On the succeeding morning, the British made the assault in four separate divisions; and having, after a brave and obstinate resistance, surmounted the outworks, again summoned the garrison to surrender. His ammunition being nearly expended, and his force incompetent to repel the numbers which were ready on every side to assail him, Colonel Magaw surrendered himself and his garrison, consisting of two thousand men, prisoners of war. The enemy lost in the assault about eight hundred men, mostly Germans. The conquest of Fort Washington made the evacuation of Fort Lee necessary. Orders were therefore issued to remove the ammunition and stores in it; but, before much progress had been made in this business, Lord Cornwallis crossed the Hudson, with a number of battalions, with the intention to enclose the garrison between the Hackensack and North Rivers. This movement made a precipitate retreat indispensable, which was happily effected with little loss of men; but the greater part of the artillery, stores, and baggage, was left for the enemy. The loss at Fort Washington was heavy. The regiments captured in it were some of the best troops in the army. The tents, camp-kettles, and stores, lost at this place, and at Fort Lee, could not, during the campaign, be replaced, and for the want of them the men suffered extremely. This loss was unnecessarily sustained, as those posts ought, unquestionably, to have been evacuated before Gen. Howe was in a situation to invest them; and this event was the more to be deplored, as the American force was daily diminished by the expiration of the soldiers' term of enlistment, and by the desertion of the militia.

These successes encouraged the British to pursue the remaining American force, with the prospect of annihilating it. Gen. Washington, who had taken post at Newark, on the south side of the Passaic, finding himself unable to make any real opposition, withdrew from that place as the enemy crossed the Passaic, and retreated to Brunswick, on the Raritan; and Lord Cornwallis, on the same day, entered Newark. The retreat was still continued from Brunswick to Princeton; from Princeton to Trenton; and from Trenton to the Pennsylvania side of the Delaware. The pursuit was urged with so much rapidity, that the rear of one army was often within shot of the van of the other.* The winter being now set in, the British army went into quarters, between the Dela-

* "On the 7th of December, our army marched from Brunswick at four o'clock in the morning, and about the same hour in the afternoon arrived at Princeton. This place, General Washing-

ton, in person, with Stirling's brigade, left not one hour before the British arrived. At Princeton, the British general waited seventeen hours, marched at nine o'clock in the morning of the 8th, and

ware and the Hackensack. Trenton, the most important post and barrier, was occupied by a brigade of Hessians, under Colonel Rawle. General Howe now issued a proclamation, in the name of his brother and himself, in which pardon was offered to all persons who, within the space of sixty days, should take the oath of allegiance, and submit to the authority of the British government. The effects of this proclamation were soon apparent. People from several quarters availed themselves of it, and threw down their arms. No city or town, indeed, in its corporate capacity, submitted to the British government; but most of the families of fortune and influence discovered an inclination to return to their allegiance. Many of the yeomanry claimed the benefit of the commissioners' proclamation; and the great body of them were too much taken up with the security of their families and their property, to make any exertion in the public cause. Another source of mortification to the Americans, was the capture of General Lee, who had imprudently ventured to lodge at a house three miles distant from his corps.*

This was the most gloomy period of the revolutionary war. It was the crisis of the struggle of the United States for independence. The American army, reduced in numbers, depressed by defeat, and exhausted by fatigue, naked, barefoot, and destitute of tents, and even of utensils with which to dress their scanty provisions, was fleeing before a triumphant enemy, well appointed and abundantly supplied. A general spirit of despondency through New Jersey was the consequence of this disastrous state of public affairs. But in this worst of times congress stood unmoved; their measures exhibited no symptoms of confusion or dismay; the public danger only roused them to more vigorous exertions, that they might give a firmer tone to the public mind, and animate the citizens of United America to a manly defence of their independence. Beneath this cloud of adversity, too, General Washington shone with a brighter lustre than in the day of his highest prosperity. Not dismayed by all the difficulties which encompassed him, he accommodated his measures to his situation, and still made the good of his country the object of his unwearied pursuit. He ever wore the countenance of composure and confidence, by his own ex-

arrived at Trenton at four o'clock in the afternoon, just when the last boat of General Washington's embarkation crossed the river, as if he had calculated, it was observed, with great accuracy, the exact time necessary for his enemy to make his escape."—Steadman's History of the American War, vol. i. p. 220.

* General Lee had been a British officer, and had engaged in the American service before the acceptance of the resignation of his commission. Sir William Howe, for this reason, pretended to view him as a traitor, and at first refused to admit him to his parole,

ample inspiring his little band with firmness to struggle with adverse fortune.

While Washington was retreating over the Delaware, the British, under Sir Pelew Parker and General Clinton, took possession of Rhode Island, and blocked up Commodore Hopkins's squadron, and a number of privateers at Providence; but this measure was disadvantageous to the British, as it required the presence of troops which might have been much more advantageously employed.

The neighbourhood of Philadelphia now becoming the seat of war, congress adjourned to Baltimore; resolving at the same time, "that General Washington should be possessed of full powers to order and direct all things relative to the department and the operations of the war." In this extremity, judicious determinations in the cabinet were accompanied with vigorous operations in the field. The united exertions of civil and military officers had by this time brought a considerable body of militia into their ranks. General Sullivan, too, on whom the command of General Lee's division devolved on his capture, promptly obeyed the orders of the commander in chief, and at this period joined him, and General Heath marched a detachment from Peekskill.

The army, with these re-enforcements, amounted to seven thousand men, and General Washington determined to commence active and bold operations. He had noticed the loose and uncovered state of the winter quarters of the British army, and contemplated the preservation of Philadelphia, and the recovery of New Jersey, by sweeping, at one stroke, all the British cantonments upon the Delaware. The present position of his forces favoured the execution of his plan. The troops under the immediate command of General Washington, consisting of about two thousand four hundred men, were ordered to cross the river at M'Konkey's ferry, nine miles above Trenton, to attack that post. General Irvine was directed to cross with his division at Trenton ferry, to secure the bridge below the town, and prevent the retreat of the enemy that way. General Cadwallader received orders to pass the river at Bristol ferry, and assault the post at Burlington. The night of the twenty-fifth was assigned for the execution of this daring scheme. It proved to be severely cold, and so much ice was

or to consider him as a subject of exchange. Congress directed the commander in chief to propose to Sir William Howe to exchange six field officers for General Lee. In case the proposal was rejected, that body resolved, that these officers should be closely confined, and in every respect receive the treatment that General Lee did. The proposition not being acceded to, the resolution of congress was carried into effect, by the executives of the states in whose custody the selected field officers were, with a degree of severity which even the treatment of General Lee did not warrant.

made in the river, that General Irvine and General Cadwallader, after having strenuously exerted themselves, found it impracticable to pass their divisions, and their part of the plan totally failed. The commander in chief was, however, more fortunate, and, though with much difficulty and considerable loss of time, succeeded in crossing the river, and reached Trenton by eight o'clock in the morning. The brave Colonel Rawle, the commanding officer, assembled his forces for the defence of his post; but he was mortally wounded by the first fire, and his men, in apparent dismay, attempted to file off towards Princeton. General Washington, perceiving their intention, moved a part of his troops into this road, in their front, and defeated the design. Their artillery being seized, and the Americans pressing upon them, they surrendered. Twenty of the Germans were killed, and a thousand made prisoners. By the failure of General Irvine, a small body of the enemy stationed in the lower part of the town, escaped over the bridge to Bordentown. Of the American troops, two privates were killed, and two frozen to death, and one officer and three or four privates were wounded. Could the other divisions have crossed the Delaware, General Washington's plan, in its full extent, would probably have succeeded. Not thinking it prudent to hazard the fruits of this gallant stroke by more daring attempts, the general, the same day, recrossed the Delaware with his prisoners, with six pieces of artillery, a thousand stand of arms, and some military stores.

This display of enterprise and vigour on the part of the Americans, astonished and perplexed General Howe, and, though in the depth of winter, he found it necessary to commence active operations. Such was the reviving influence on the minds of the American soldiers, and such the skill which the commander in chief exercised, that, after several successful operations following that of Trenton, he not only saved Philadelphia and Pennsylvania, but recovered the greatest part of the Jerseys, in defiance of an army vastly superior to his, in discipline, resources, and numbers. Of all their recent extensive possessions in the Jerseys, the English retained now only the posts of Brunswick and Amboy. These successful operations on the part of the Americans were immediately followed by a proclamation, in the name of General Washington, absolving all those who had been induced to take the oaths of allegiance tendered by the British commissioners, and promising them protection on condition of their subscribing to a form of oath prescribed by congress. The effects of this proclamation were almost instantaneous. The in-

habitants of the Jerseys, who had conceived a violent hatred to the British army, on account of their unchecked course of plundering, instantly renounced their allegiance to Great Britain, and attached themselves to the cause of America. Several who were resolved to avenge their wrongs, joined the army under General Washington, while others rendered equal service to the side to which they attached themselves, by supplying the American army with provisions and fuel, and by conveying intelligence of the operations of the British army.

Before entering on the campaign of 1777, it will be proper briefly to notice the state of affairs in Canada. The Americans still possessed Crown Point and Ticonderoga, and were masters of Lake Champlain. To dispossess them of these posts was an arduous and a difficult task, inasmuch as the British had not a vessel on Lake Champlain to oppose the American fleet. Difficult, however, as it was, General Carleton resolved to use every effort to procure an adequate naval force, and at length succeeding in the attainment of his object, he acquired a decided superiority. On the 11th of October, the British fleet discovered that of their opponents very advantageously posted off the island Valicour, with an intention of defending the passage between that island and the western main. A schooner and some gunboats, being considerably ahead of the rest of the fleet, began the engagement, which was continued for some hours on both sides, with great intrepidity. Brigadier-General Waterbury, in the Washington galley, fought with undaunted bravery, until nearly all his officers were killed or wounded, and his vessel greatly injured, when Arnold ordered the remaining shattered vessels to retire up the lake towards Crown Point, to refit. Two days afterwards they were overtaken by the British, and the action was renewed. The Washington galley, crippled in the first action, was soon obliged to strike and surrender. General Arnold, having obstinately defended himself with great judgment and gallantry against a superior force, was at length so closely pressed, that he was compelled to run on shore his own vessel, the Congress galley, which, with five gondolas, was abandoned and blown up. Of sixteen American vessels, eleven were taken or destroyed; of the British, two gondolas were sunk, and one blown up, with sixty men. The loss of men on each side was supposed to be nearly equal; that of the Americans was estimated at about a hundred. The British army and fleet now established themselves at Crown Point, and proceeded to strengthen the old fortifications originally erected at this place by the French in 1756:

but they very soon abandoned this station, and retired into Canada.

Having secured the Hessian prisoners on the Pennsylvania side of the Delaware, Washington recrossed the river two days after the action, and took possession of Trenton. Generals Mifflin and Cadwallader, who lay at Bordentown and Crosswix, with three thousand six hundred militia, were ordered to march up in the night of the first of January, to join the commander in chief, whose whole effective force, including this accession, did not exceed five thousand men. The detachments of the British army which had been distributed over New Jersey, now assembled at Princeton, and were joined by the army from Brunswick, under Lord Cornwallis. From this position they advanced toward Trenton in great force, on the morning of the second of January; and, after some slight skirmishing with troops detached to harass and delay their march, the van of their army reached Trenton about four in the afternoon. On their approach, General Washington retired across the Assumpinck, a rivulet that runs through the town, and by some field pieces, posted on its opposite banks, compelled them, after attempting to cross in several places, to fall back out of the reach of his guns. The two armies, kindling their fires, retained their positions on opposite sides of the rivulet, and kept up a cannonade until night. The situation of the American general was at this moment extremely critical. Nothing but a stream, in many places fordable, separated his army from an enemy in every respect its superior. If he remained in his present position, he was certain of being attacked the next morning, at the hazard of the entire destruction of his little army. If he should retreat over the Delaware, the ice in that river not being firm enough to admit a passage upon it, there was danger of great loss, perhaps of a total defeat; the Jerseys would be in full possession of the enemy; the public mind would be depressed; recruiting would be discouraged; and Philadelphia would be within the reach of General Howe. In this extremity, he boldly determined to abandon the Delaware, and, by a circuitous march along the left flank of the enemy, fall into their rear at Princeton. When it was dark, the army, leaving its fires lighted, and the sentinels on the margin of the creek, decamped with perfect secrecy. About sunrise two British regiments, that were on their march to join the rear of the British army at Maidenhead, fell in with the van of the Americans, conducted by General Mercer, and a very sharp action ensued. The advanced party of Americans, composed chiefly of militia, soon gave way, and the

few regulars attached to them could not maintain their ground. General Mercer, while gallantly exerting himself to rally his broken troops, received a mortal wound. General Washington, however, who followed close in their rear, now led on the main body of the army, and attacked the enemy with great spirit. While he exposed himself to their hottest fire, he was so well supported by the same troops which had aided him a few days before in the victory at Trenton, that the British were compelled to give way, and Washington pressed forward to Princeton. A party of the British that had taken refuge in the college, after receiving a few discharges from the American field-pieces, surrendered themselves prisoners of war; but the principal part of the regiment that was left there, saved itself by a precipitate retreat to Brunswick. In this action upwards of a hundred of the British were killed, and nearly three hundred were taken prisoners. Great was the surprise of Lord Cornwallis when the report of the artillery at Princeton, and the arrival of breathless messengers, apprised him that the enemy was in his rear. Alarmed by the danger of his position, he commenced a retreat; and, being harassed by the militia and the countrymen who had suffered from the outrages perpetrated by his troops on their advance, he did not deem himself in safety till he arrived at Brunswick, from whence, by means of the Rariton, he had communication with New York.

The successes of the American arms at Trenton and at Princeton were followed by important consequences. The affairs of the United States, before these events, appeared to be desperate. Two thousand of the regular troops had a right, on the 1st of January, to demand their discharge. The recruiting service was at an end, and general despondency prevailed. The triumphs of the British through the previous parts of the campaign produced a common apprehension, in the citizens of the middle states, that any further struggle would be useless, and that America must eventually return to her allegiance to Great Britain. Many individuals made their peace with the commissioners, and took protection from the officers of the crown; and more discovered an inclination to do it, when opportunity should present itself. General Howe supposed New Jersey restored to the British government, and thought the war drawing to a close. But these successes were considered as great victories, and produced important effects upon the public mind. The character of the commander in chief proportionably rose in the estimation of the great mass of American people, who now respected themselves, and confided in their persever-

ing efforts to secure the great object of contention—the independence of their country. Other causes had a powerful operation upon the minds of the yeomanry of New Jersey. The British commanders tolerated, or at least did not restrain, gross licentiousness in their army. The inhabitants of the state which they boasted was restored to the bosom of the parent country, were treated not as reclaimed friends, but as conquered enemies. The soldiers were guilty of every species of rapine, and with little discrimination between those who had opposed or supported the measures of Britain. The abuse was not limited to the plundering of property. Every indignity was offered to the persons of the inhabitants, not excepting those outrages to the female sex which are felt by ingenuous minds with the keenest anguish, and excite noble spirits to desperate resistance. These aggravated abuses roused the people of New Jersey to repel that army to which they had voluntarily submitted, in the expectation of protection and security. At the dawn of success upon the American arms, they rose in small bands to oppose their invaders. They scoured the country, cut off every soldier who straggled from his corps, and in many instances repelled the foraging parties of the enemy. Early in this year also the Americans were gratified by the arrival of a vessel from France at Portsmouth, in New Hampshire, with upwards of eleven thousand stand of arms, and a thousand barrels of powder; and about the same time ten thousand stand of arms arrived in another part of the United States.

This supply was, however, in some measure counterbalanced. In the month of March the British sent out two detachments to destroy the American stores at Peekskill on the North River, and at Danbury, in Connecticut. Both succeeded in their attempt; and although the stores destroyed did not equal in quantity the report on which the expeditions were planned, yet their loss was sensibly felt by the Americans in the active season of the campaign.

Sir William Howe, having in vain attempted to entice or provoke General Washington to an engagement, had, in June, retired with his army from the Jerseys to Staten Island. After keeping the American general in long and perplexing suspense concerning his intended operations, he at length sailed from Sandy Hook with about sixteen thousand men, entered Chesapeake Bay, and on the 24th of August arrived at the head of Elk river. Generals Grant and Knyphausen having joined him on the 8th of September with the troops under their command, the whole army moved onward in two columns toward Philadelphia, the possession of which was now evi-

dently the object of the British commander. Washington, who regulated his movements by those of the enemy, had by this time, with the whole American army excepting the light infantry, which remained on the lines, taken a position behind Red Clay Creek, on the road leading directly from the enemy's camp to Philadelphia. The British rapidly advanced until they were within two miles of the Americans; while Washington crossed the Brandywine, and took post on a height behind that river. At daybreak on the morning of the 11th it was ascertained that Sir William Howe in person had crossed the Brandywine at the forks, and was rapidly marching down the north side of the river to attack the American army. The commander-in-chief now ordered General Sullivan to form the right wing to oppose the column of Sir William. General Wayne was directed to remain at Chadd's Ford with the left wing, to dispute the passage of the river with Knyphausen. General Greene, with his division, was posted as a reserve in the centre between Sullivan and Wayne, to re-enforce either, as circumstances might require. General Sullivan marched up the river, until he found favourable ground on which to form his men; his left was near the Brandywine, and both flanks were covered with thick wood. At half-past four o'clock, when his line was scarcely formed, the British, under Lord Cornwallis, commenced a spirited attack. The action was for some time severe; but the American right, which was not properly in order when the assault began, at length gave way, and exposed the flank of the troops that maintained their ground to a destructive fire, and continuing to break from the right, the whole line finally gave way. As soon as the firing began, General Washington, with General Greene's division, hastened towards the scene of action, but before his arrival, Sullivan was routed, and the commander-in-chief could only check the pursuit of the enemy, and cover the retreat of the beaten troops. During these transactions General Knyphausen assaulted the works erected for the defence of Chadd's Ford, and soon carried them. General Wayne, by this time learning the fate of the other divisions, drew off his troops. General Washington retreated with his whole force that night to Chester. The American loss in this battle was about three hundred killed and six hundred wounded. Four hundred were made prisoners, but these chiefly of the wounded.

Perceiving that the enemy were moving into the Lancaster-road, towards the city, General Washington took possession of ground near the Warren tavern, on the left of the British, and twenty-three miles from Philadelphia. The protection of his

stores at Reading was one object of this movement. The next morning he was informed of the approach of the British army. He immediately put his troops in motion to engage the enemy. The advance of the two hostile armies met and began to skirmish, when a violent storm came on, which prevented a general engagement, and rendered the retreat of the Americans absolutely necessary. The inferiority of the muskets in the hands of the American soldiery, which had been verified in every action, was strikingly illustrated in this retreat. The gun-locks being badly made, and the cartridge-boxes imperfectly constructed, this storm rendered most of the arms unfit for use; and all the ammunition was damaged. The army was in consequence extremely exposed, and their danger became the greater, as many of the soldiers were destitute of bayonets. Fortunately the tempest, which produced such serious mischief to the Americans, prevented the pursuit of the British. Washington still continued to make every effort to save the capital; but Sir William Howe, having secured the command of the Schuylkill, on the 23d of September, crossed it with his whole army; on the 26th he advanced to Germantown; and on the succeeding day Lord Cornwallis, at the head of a strong detachment, entered Philadelphia in triumph.

The American army, re-enforced to eight thousand continental troops and three thousand militia, took a position at Shippack Creek, on the east side of the Schuylkill, about twenty miles from Philadelphia, and sixteen from Germantown. At the latter place was posted the main body of the British army. The first object of Sir William Howe was to subdue the defences, and remove the impediments of the Delaware, that a communication might be opened with the British shipping. General Washington made every effort to prevent the execution of his enemy's design, in the hope of forcing General Howe out of Philadelphia, by preventing supplies of provisions from reaching him. Of the attainment of this important object, he had no doubt, could the passage of the Delaware be rendered impracticable. For this purpose works had been erected on a bank of mud and sand in the river, near the confluence of the Schuylkill, and about seven miles below Philadelphia. The place, from these works, was denominated Fort Island, and the works themselves Fort Mifflin. On a neck of land on the opposite shore of New Jersey, called Red Bank, a fort was constructed and mounted with heavy artillery, and called Fort Mercer. Fort Island and Red Bank were distant from each other half a mile. In the channel of the Delaware, which ran between them, two ranges of chevaux-de-

frise were sunk. These consisted of large pieces of timber, strongly framed together, and pointed with iron, and they completely obstructed the passage of ships. These works were covered by several galleys, floating batteries, and armed ships.

Sir William Howe having detached a considerable force from Germantown to operate against the works on the Delaware, General Washington thought this a favourable opportunity to attack the British army in their cantonments. The line of the British encampment crossed the village of Germantown at right angles, near its centre, and its flanks were strongly covered. The army, having moved from its ground about seven in the afternoon of the 3d of October, began an attack about sunrise the next morning. The advance of the column, led by Sullivan, and accompanied by the commander in chief, encountered and drove in a picket, which presently gave way; and his main body, soon following, engaged the light infantry and other troops encamped near the picket, and forced them from their ground. Though closely pursued, Lieutenant-colonel Musgrove, with six companies, took post in a strong stone house, which lay in the way of the Americans, and severely galled them by a fire of musketry from the doors and windows. General Washington immediately ordered a brigade to surround the house; but Colonel Musgrove refused to surrender. Four pieces of cannon were brought against him, but he sustained the fire of them until Major-general Gray, with the third brigade, and Brigadier-general Agnew, with the fourth, came to his assistance, and attacked the Americans with great spirit. In the mean time General Greene arrived with his column, and attacked the right wing of the British. Colonel Matthews routed a party of the British opposed to him; but being enveloped in a most extraordinary fog, he lost sight of the brigade to which he belonged, and was taken prisoner, with his whole regiment. At length a part of the right wing of the British attacked the Americans on the opposite side of the town; and the embarrassments among the American troops, occasioned by the darkness, gave the English time to recover from their consternation. Sullivan's division had penetrated far into Germantown; but the main body of the American army now commenced a retreat, and all efforts to rally it proved ineffectual. In this battle the loss of the Americans, in killed, wounded, and prisoners, was not less than twelve hundred men, while that of the British did not exceed half that number. The American army encamped again on Shippack Creek, but soon after advanced to White Marsh, while the royal army removed from Germantown to Philadelphia.

The works in the Delaware now engaged the attention of the British and American generals. Lord Howe, by continued exertion, having overcome the obstructions which the Americans had placed in the river at Billingsport, a joint attack by sea and land was planned against Red Bank and Fort Island. The *Augusta*, a sixty-four gun ship, the *Merlin* frigate, and several small armed vessels, moved up the Delaware to assault the works on Fort or Mud Island. Count Donop crossed into New Jersey with twelve hundred Germans, and in the evening of the 22d appeared before Fort Mercer, on Red Bank. His assault was highly spirited, and the defence intrepid and obstinate. Colonel Green, the commandant, whose garrison did not exceed five hundred men, was unable adequately to man the outworks; but he galled the Germans in their advance, and on their near approach he quitted them, and retired within the inner intrenchments. They pressed forward with undaunted bravery, and the Americans poured upon them a deadly fire. Count Donop was himself mortally wounded at the head of his gallant corps; the second in command soon after fell, and the third immediately drew off his forces. The assailants had four hundred men killed and wounded, while the garrison, fighting under cover, had only thirty. In the mean time, Fort Mifflin was attacked by the shipping, and by batteries erected on the Pennsylvania shore. Incessant volleys of bombs and cannon balls were discharged upon it. But at ebb tide the *Augusta* and *Merlin* grounded, and were burnt. The garrison supported this tremendous fire without material injury. The resistance of the forts on the Delaware far exceeding the expectations of the British commanders, they adopted measures to overcome it without the hazard of a second assault. They erected batteries upon Providence Island, within five hundred yards of the American fort. They also brought up their shipping, gun-boats, &c., and from the 10th to the 16th of November, battered the American works. By this time the defences were entirely beaten down, every piece of cannon was dismounted, and one of the ships approached so near Fort Mifflin as to throw hand-grenades from her tops into it, which killed the men upon the platform. The brave garrison received orders to quit the post. Red Bank being no longer useful, its garrison and stores were

also withdrawn, on the approach of Lord Cornwallis with five thousand men to invest it.

While these inauspicious operations were carried on in the south, the northern portion of the country was a theatre of events that more than counterbalanced them. A principal object of the British, in the campaign of this year, was to open a free communication between New York and Canada. The British ministry were sanguine in their hopes, that, by effecting this object, New England, which they considered as the soul of the confederacy, might be severed from the neighbouring states, and compelled to submission. In prosecution of this design, an army of British and German troops, amounting to upwards of seven thousand men, exclusive of artillery, was put under the command of Lieutenant-General Burgoyne, an enterprising and able officer. The plan of operations consisted of two parts. General Burgoyne, with the main body, was to advance by way of Lake Champlain, and force his way to Albany, or, at least, so far as to effect a junction with the royal army from New York; and Lieutenant-Colonel St. Leger, with about two hundred British, a regiment of New York loyalists, raised and commanded by Sir John Johnson, and a large body of Indians, was to ascend the St. Lawrence to Lake Ontario, and from that quarter to penetrate toward Albany, by the way of the Mohawk river. General Burgoyne arrived at Quebec in May. In the latter end of June he advanced with his army to Crown Point, and from thence proceeded to invest Ticonderoga, which was soon abandoned by the Americans, under General St. Clair, who, after a distressing march, joined General Schuyler at Fort Edward, on the river Hudson. General Burgoyne, having with incredible labour and fatigue conducted his army through the wilderness from Skenesborough, reached Fort Edward on the 30th of July. As he approached that place, General Schuyler, whose forces, even since the junction of St. Clair, did not exceed four thousand four hundred men, retired over the Hudson to Saratoga. Early in August, St. Leger invested Fort Schuyler, and at first obtained some advantages over the Americans; but, by stratagem,* the Indians were induced to desert him, and finding himself abandoned by seven or eight hundred of these important auxiliaries,† he decamped in great confusion, and returned to Montreal,

* Thacher's Military Journal, p. 107.

† It has ever been a source of reproach against the British, that they employed the sanguinary Indians as their allies. The atrocities they committed might be somewhat exaggerated by General Gates and others; but that instances did occur, to the disgrace of their civilized associates, cannot be denied. The melancholy case of Miss M'Crea will long be remembered. Captain Jones, her

lover, an officer in the British army, anxious on her account, engaged some Indians, of two different tribes, to convey her away from among the Americans, for the purpose of security; fearing for her, probably, on account of her father being interested in the royal cause, and of her attachment to himself. Having promised to reward the person who should bring her safe to him with a barrel of rum, the two Indians, who had already conveyed her to some

leaving his tents, with most of his artillery and stores, in the field. While St. Leger was thus unsuccessful at Fort Schuyler, a detachment under Colonel Baume,

distance, disputed which of them should present to Captain Jones the object of his affection. Each was anxious for the reward; and that the other might not receive it, one of them killed her with a blow of his tomahawk. Upon the first intelligence of what had happened, Burgoyne obliged the Indians to deliver up the murderer, and threatened to put him to death. Many thought the threat would have been executed; but he was pardoned, upon the Indians agreeing to terms enjoined them by Burgoyne, which the general thought would be more efficacious than an execution, to prevent similar mischiefs.—Gordon, vol. ii. p. 544.

The fate of this young woman has excited the sympathies of her friends, and the whole people of the United States. She was the daughter of James McCrea, a clergyman of New Jersey, who died before the revolution. After her father's death, she resided with her brother, at Albany, who removed to the neighbourhood of Fort Edward. There are several versions of this story of blood; but the following is drawn from an examination of all of them. August, 1777, is stated to be the time of her death.

She was a young lady twenty-three years of age, amiable and well educated. She was related to one of the American officers who was at Fort Edward, but on the alarm given by the retreat of the American army from the lakes, she had left her home for a safe retreat in Fort Miller; but when the American forces thought it prudent to retire from that fortress to Vermont, she did not think proper to go with them, and returned to Sandy Hill, the place of her usual residence. Rumour after rumour soon reached her here of the approach of the Indians, and she knew not whither to fly. The whole country from the lakes was in great consternation, and she set out for Fort Edward, with some other females. Her fears were increased, for she felt no confidence in either side. She was on American ground, but was betrothed to an American, who had taken sides with the British, and had gone to Canada, where he was made captain of a company. The lovers had managed to keep up a correspondence, and he was informed, when he reached Fort Anne, that his innamorata was concealed in a house a few miles from Sandy Hill. To go there himself would be dangerous to both, as the woods were infested with scouting parties of American troops, and he, as a tory, would have been harshly dealt with, if taken by them; but, to make all sure, he engaged a party of confidential Indians, to take his horse and go to her place of concealment, and bring her to him in safety. The party reached the place, and she received the letter. He urged her in his letter not to hesitate a moment in putting herself under their protection, but she had some sad misgivings. The Indians had been a terror to that part of the country, and the tales she had heard in her childhood, came thickly upon her distracted mind; but the voice of a lover is law to a confiding woman.

She put herself under their guidance, and they had proceeded on their journey, she on horseback and they on foot, to near a small spring, which may now be seen, when they were met by another party of Indians, who had heard of the reward which her lover had offered, or were sent by him, in his impatience to see her out of danger. A quarrel arose between the parties of Indians, which should have the reward, or at least how it should be shared, when an American scouting party came in sight, and commenced a brisk fire on the Indians, who were thus disputing. They instantly fled; but, unwilling she should be taken by the scouting party, one of the Indians, while the others had fled to the bushes, pulled the girl from the horse, struck his tomahawk into her forehead, tore off her scalp, and gashed her breast, and left her under a huge pine. The scouting party found her there in that situation, and they covered her body, and that of an American officer, who had just fallen by the fire of the Indians, as well as they could, with leaves and earth. Some one of the Indians, with their usual regard to truth, made her lover acquainted with the facts, and another proved his assertions by exhibiting the scalp. He knew the long golden tresses of Miss McCrea, and in defiance of all danger, flew to the spot, to realize the horrid tale. He tore away the thinly spread leaves and earth, clasped the still bleeding body to his arms, and

despatched to seize a large depot in New Hampshire Grants, was also defeated by a body of militia under General Stark.* Meanwhile, General Burgoyne,

wrapping it in his cloak, bore it to the first wagon he could find, and there hid it from the sight of the world, until he could dispose of it according to his affections. The driver was bribed to silence. The lover sat by the wagon all night, in a state but little short of a quiet delirium, now and then rousing himself to a furious determination to immolate the first Indian he could find; but they were all in their lairs. The morning sun arose, and the wagon went on, he having determined to take the corse on with him to some spot hal-
lowed by the graves of others, and there deposit the sacred relics of the beloved of his soul. But his neglect of duty, and strange demeanor, caused him to be watched by his superior officers, who heard something of the rumour, and they discovered the secret, that the corse of Miss McCrea was in the wagon. They instantly ordered the wagon to stop, and the corse to be buried by the wayside, kindly allowing Captain Jones to stay a few moments, "to see her decent limbs composed," and laid in the bosom of the earth, a coffin having been procured. The grave is about four miles from Fort Edward.

Captain Jones, it is said, survived her but a few years; and this melancholy event is supposed to have brought him to the grave. Perhaps the tragical death of this amiable girl has given a degree of romance to her virtues and personal charms; but it is agreed, by all who knew her, that she was amiable, virtuous, and accomplished. The tomahawk and the scalping knife have nearly become extinct, as weapons of dread to the women and children of our favoured country. To our primitive mothers they were something more than "air drawn daggers," creatures of the imagination; for on their blade and dudgeon were often real gouts of blood.—*American Editor.*

* "The colonel was furnished with the following curious instructions, which fell into the hands of General Stark: 'To proceed to New Hampshire Grants, cross the mountains, scour the country, with Peter's corps (tories) and the Indians, from Rockingham to Otter Creek, to get horses, carriages, and cattle, and mount Reidesel's regiment of dragoons; to go down Connecticut river as far as Brattleborough, and return by the great road to Albany, there to meet General Burgoyne; to endeavour to make the country believe it was the advanced body of the general's army, who was to cross Connecticut river and proceed to Boston, and that at Springfield they were to be joined by the troops from Rhode Island. All officers, civil and military, acting under the congress, were to be made prisoners. To tax the towns where they halted, with such articles as they wanted, and take hostages for the performance, &c. You are to bring all horses fit to mount the dragoons, or to serve as battalion horses for the troops, with as many saddles and bridles as can be found. The number of horses requisite, besides those for the dragoons, ought to be thirteen hundred; if you can bring more, so much the better. The horses must be tied in strings of ten each, in order that one man may lead ten horses.' This redoubtable commander surely must be one of the happiest men of the age, to imagine that such prodigious achievements were at his command,—that such invaluable resources were within his grasp. But, alas! the wisest of men are liable to disappointment in their sanguine calculations, and to have their favourite projects frustrated by the casualties of war. This is remarkably verified in the present instance."—*Thacher's Military Journal*, p. 109.

Hinton has dismissed this battle, which deserves a volume, in less than three lines; for it was the prelude to the capture of Burgoyne, an incident more important than any that occurred in the military history of our country. It settled the treatment of prisoners, a great event in our warfare, and secured our independence. John Stark, the hero of this battle, was born at Londonderry, in the state of New Hampshire, in the year 1728. When quite a young man, he was taken, while on a hunting excursion, by the St. Francis Indians, and carried to Canada. From this captivity he was released by the payment of a ransom obtained from his friends. He went on hunting expeditions, after his return, in order to refund the sum paid for his deliverance. When the five companies

having collected about thirty days' provision, and thrown a bridge of boats over the Hudson, crossed that river on the 13th and 14th of September, and

of rangers were raised by Major Rogers, in 1755, Stark was appointed a lieutenant of a company. Distinguishing himself in this body, he was made a captain, and increased his reputation by his prowess in every campaign. The history of the rangers is full of interest; they were the most hardy and invincible of soldiers engaged in a border war—the proper school for heroes. From the peace of 1763 to 75, Stark was engaged as a farmer; but hearing of the battle of Lexington, he at once repaired to Cambridge. There receiving a commission as colonel, he hastened to raise a regiment in his native state, and was marching to join the army at Cambridge, when the battle of Bunker Hill was fought. He led his troops directly on to the hill, and took his position on the left of the breastwork, behind the rail fence. (See battle of Bunker Hill, page 225.) His bravery on this occasion was worthy of his former reputation. In the campaign of 1776, he proceeded from New York to Canada. At the battle of Trenton, he commanded the right wing, and was also at Princeton.

Being overlooked, in a promotion of officers, in the spring of 1777, he retired from the service of the confederation, to his farm. In July of that year, he accepted the command of the New Hampshire troops, on condition that he should not be obliged to serve under any continental officer, and marched to Vermont, to be in readiness to assist in checking Burgoyne in his progress toward Albany, where it was supposed the British army expected to winter. His troops were at Bennington when he received information that a German force had been detached by the British commander in chief to collect cattle and forage. He lost no time in meeting the enemy, and with success. Many accounts of this memorable affair have been given by our historians; we shall subjoin an interesting description of that battle, from the pen of one of the officers under Count Baum. It is true in all its general features, and is a compliment to the bravery of General Stark and his army. For this fight, Stark received the thanks of congress, and was appointed a brigadier-general by that body; and recruiting a new force, was in season to assist in the capture of Burgoyne. General Stark continued in the army until the revolutionary conflict was over, and then retired to his farm again. He enjoyed a green old age, living until he was ninety-three years old. He died in 1822, and over his ashes a monument has been erected by his family. He was a man of robust constitution, and of great firmness of character. He was brave, honest, and direct. He spoke what he thought, without the fear of any one. His mansion was as hospitable as a free heart and liberal hand could make it. To the last years of his life he conversed upon the events of the revolution with energy and patriotism. He detailed his border fights with graphic minuteness. He abhorred hypocrisy and cowardice, and denounced these vices in no measured terms. This race of soldier-patriarchs, who led their sons and sent out their grandsons to battle, have now become nearly extinct.—*American Editor*.

The great object which General Burgoyne sought to obtain, was to force his way down the course of the Hudson, and rallying round him, as he proceeded, as many loyalists as chose to follow his fortunes, to effect a junction with the army of General Howe, then blockaded in New York. To facilitate this measure, by distracting the attention of the enemy, a smaller expedition, under the orders of Colonel St. Leger, had been organized, which, moving through the western part of Chester county, threatened Fort Stanwix, a rudely fortified station upon the Mohawk. Colonel St. Leger's force was extremely weak, particularly in troops of the line, of which no more than four hundred, and those composed of detachments from different regiments, served under him; and the whole, including provincials, Canadians, and some hundreds of Indians, barely came up to twelve hundred men. He pushed forward, however, with diligence, and on the third of August invested the fortress, sending intelligence, at the same time, to the general in chief, of his situation; and in two days afterwards he had the good fortune to surprise and cut to pieces a body of eight hundred Americans, when on their march to relieve the garrison. So far all things had succeeded according to our wish; but Colonel St. Leger

encamped on the heights and plains of Saratoga. General Gates, who had recently taken the chief command of the northern department of the Ameri-

gradually found, that in the expectations which he had been led to form respecting the loyalty of the inhabitants of the invaded district, the grossest impositions had been practised on him. Instead of crowds of volunteers, scarcely an individual came to his camp; and of the few who did come, it was more than suspected, that by far the greater proportion came with a treacherous intention.

That these advantages, trifling as they were, might not be wholly wasted, it became incumbent on Gen. Burgoyne to advance without delay; whilst the deplorable deficiency in the means of transport under which he laboured, seemed to render all attempts at moving the army fruitless. Though our troops had toiled without intermission during three whole weeks, there was in camp no greater stock of provisions than promised to suffice for four days' consumption; and to move forward with a supply so slender, into a desert country, appeared to a leader of the old school little better than insanity. I have called it a desert country, not only with reference to its natural sterility,—and heaven knows it was sterile enough,—but because of the pains which were taken, and unfortunately with too great success, to sweep its few cultivated spots of all articles likely to benefit the invaders. In doing this, the enemy showed no clemency either to friend or foe. All the fields of standing corn were laid waste, the cattle were driven away, and every particle of grain, as well as morsel of grass, carefully removed; so that we could depend for subsistence, both for men and horses, only upon the magazines which we might ourselves establish. But our draft animals were so inadequate to the conveyance of stores, that no magazine had as yet been formed farther in advance than Fort George; and Fort George was too much in the rear to be of service as a base of operations, after we should have quitted the position which we now occupied.

I have said that the American army retreated as we advanced, cutting up the roads, and devastating the face of the country over which they passed. They were now, according to the best accounts which we could receive, at Saratoga, a hamlet, or rather farm, on the left bank of the Hudson, and about half way between Fort Edward and the Mohawk. It seemed advisable to General Burgoyne to threaten them there: for if they risked an action, he had no apprehensions as to the result; if they retired, Colonel St. Leger would be in their rear; and should they succeed in escaping both divisions, then was the road to Albany thrown open, and the principal design of the inroad attained. Increased exertions were accordingly used to bring a flotilla from the lakes to the nearest navigable point in the river; and so unremitting were they, that before the close of the first week in August, a considerable number of boats and barges, laden with such stores as could be forwarded, were launched upon the stream, and ready to accompany the army.

Whilst these projects were in contemplation, and the above means adopted for bringing them to an issue, a piece of information was obtained at head-quarters, which promised to bring about the happiest results, by relieving us at once from all the embarrassments attendant upon meagre supplies and inadequate means of transport. About twenty miles to the eastward of the Hudson, lies the obscure village of Bennington—a cluster of poor cottages, situated in a wild country, between the forks of the Hossac. Here the enemy had gathered together a considerable depot of cattle, corn, horses, and wheel carriages, most of which were drawn across the Connecticut river from the provinces of New England; and as it was understood to be guarded by a party of militia only, an attempt to surprise it seemed by no means unjustifiable. It is true, that between Fort Edward and Bennington, the means of communication were exceedingly defective. One prodigious forest, bottomed in swamps and morasses, covered the whole face of the country; through which, no body of men, unless familiarly accustomed to such expeditions, could hope to make their way, at all events with celerity. But the necessities of the army were pressing; the state of the campaign was a critical one; and the risk, though doubtless great, was considered by no means to outweigh the advantages to be derived from success. General Burgoyne

can army, advanced toward the British, and encamped three miles above Stillwater. On the night of the 17th, Burgoyne encamped within four miles

determined to incur it; and a few hours sufficed for the final arrangement of his plan, and drawing up of his instructions.

There were attached to our little army, two hundred German dragoons; men of tried valour and enterprise, but destitute of horses. These the general selected as part of the force to be employed in the surprise of Bennington; not only because he entertained the most perfect confidence in their steadiness, but because he conceived, that in the country into which they were about to penetrate, they might be able to pick up a sufficient number of horses for their own use. In addition to these, the Canadian rangers, a detachment of provincials, about one hundred Indians, and Captain Fraser's marksmen, with two pieces of light cannon, were allotted to this service; and the whole, amounting to five hundred men, were placed under the orders of Lieutenant Colonel Baume. The latter officer received special instructions to proceed with extreme caution. He was particularly enjoined to keep his dragoons together, and to feel his way, foot by foot, with his light troops alone; and whilst it was broadly insinuated that he might look for recruits among the well disposed inhabitants, the greatest care was taken to impress him with the conviction, that they were not to be implicitly trusted. It would have been well both for himself and his followers, had these advices been somewhat more carefully remembered. But there was a fatality attending all our measures, which soon began to develop itself; and perhaps the fate of the present expedition ought to have been taken as a fair warning of the destiny which awaited the army at large.

Though all these arrangements were completed, and the troops destined to fulfil them told off so early as the beginning of August, the middle of the month was approaching ere this attempt, on the success of which so much was supposed to depend, was made. Perhaps there was no great error here, more especially as the column broke up from its bivouac, and advanced to the point where the Hudson was to be crossed. It was a toilsome and a tedious march—a little, and but a little enlivened, by a harmless skirmish, which some straggling Americans chose to maintain with our detached Indians. After enduring great privations with a spirit which failed not to the last, our army at length reached its destined resting place, and took up a position on the eastern bank of the Hudson, immediately opposite to the heights of Saratoga.

This done, and the enemy having withdrawn as far as Stillwater, the general proceeded to carry into execution his projected design against Bennington. At an early hour in the morning of the 12th, our little band, unincumbered with any quantity of baggage besides that which each man could conveniently carry upon his back, set off in the direction of Batten Kill, where it arrived, without meeting with any adventure, by four o'clock in the afternoon. Here we halted for the night, by which means a company of fifty chasseurs overtook us, whom General Burgoyne, distrustful of our strength, sent to re-enforce us; but at five next morning, we were again in motion, and pushed cautiously, though with a quick pace, in the direction of Cambridge. Our journey this day proved in many respects more interesting than any which we had performed since the pursuit from Ticonderoga. The country, as we advanced, exhibited greater signs of cultivation, a field or two interposing here and there amidst the plains, and a few detached cottages lying by the wayside; whilst several of the country people voluntarily joined us, and took the oath of allegiance to the king. From them we learned that a company of Americans had been left in Cambridge as a guard over some cattle which were on their way to Bennington; and as it was deemed of importance to seize such, wherever they could be found, our scouts were commanded to quicken their pace, and surprise them.

I was not one of the party thus sent forward, that duty having been entrusted to thirty provincials and fifty Indians; but the latter attained their object after a trifling skirmish, in which one man only was wounded. Nothing could be finer than the effect produced by the desultory firing which was kept up on that occasion by the retreating enemy and our pursuers. It so happened that the point where they first met, though covered with a deep and ex-

of the American army; and about noon on the 19th advanced in full force against it. The right wing was commanded by General Burgoyne, and covered

tensive forest, was not incumbered by brush wood or other deafening substances; and hence each report, as it rolled from tree to tree and glade to glade, sounded as if not one, but fifty muskets, had been fired. You will easily believe that the first discharge caused us to quicken our pace, and to recover our ranks, which had begun to straggle; but no opportunity was afforded us of joining. The enemy fought only to escape; and hence, when we reached Cambridge, we found it in full occupation of our advance, which had made prizes of no inconsiderable quantity of carts and wagons, as well as of cattle and horses.

The satisfaction arising from this first success was not, however, so great as to render us indifferent to the nature of the intelligence which met us there. Instead of four or five hundred men, it was accurately ascertained that not fewer than eighteen hundred were in Bennington; and though some appeared to be of opinion that they would not wait to receive us, there were others who scrupled not to foretell a widely different result. Now, in spite of our late re-enforcement, our whole strength fell considerably short of six hundred men; and of these, a full hundred were Indians, on whom no great reliance could be placed. Still, Colonel Baume appeared to consider his situation secure. He spoke, as far as we could understand him, in very contemptuous terms of the Americans, and busily employed himself in receiving the submission of the inhabitants, who in great numbers flocked to his standard. Unfortunately, Colonel Baume forgot the cautions which had been so strongly impressed upon him. He considered all persons sincere who professed attachment to the royal cause; alluding in their presence, and without reserve, both to his own numbers and designs; and as by far the greater proportion were in reality traitors to us, every circumstance connected with our dispositions and plans became as well known to the enemy as to ourselves.

It was their leader's intention to march at once upon Bennington; for which purpose his little corps was under arms and in column, long before sunrise on the 14th. For some time our progress was, as it had hitherto been, unimpeded; but as we approached the northern branch of the Hossac, by the farm and bridge of Sankcoick, the arrangements of the enemy began gradually to develop themselves.

A flying party of Americans were discovered in front of the farm, which, on the approach of our people, spread themselves along the underwood; and they were not dislodged till after a good deal of firing, which caused us some loss in several of the most forward among the savages. At last, however, they retreated, abandoning a mill which they had previously fortified, and breaking down the bridge; and long before the latter could be repaired, they were safe from further molestation. There was a good deal to excite apprehension even in this unimportant rencontre. The Americans, though they gave way at last, fought like men conscious of their own prowess, and confident in the strength of the support which was behind them; and this, coupled with the rumours which had reached us relative to the amount of the garrison of Bennington, failed not to startle both Colonel Baume and the boldest of his troops. Besides, much time was lost by the destruction of the bridge. It required a full hour so far to repair it as to enable the guns and horses to pass; and when this was done, the day had declined so far as to render any attempt to reach the point of our destination before sunset fruitless. We accordingly bivouacked at the farm of Walmscott, about four miles from Sankcoick, and three from Bennington; where the night was spent, if not in a sense of absolute security, at all events without the occurrence of any accident capable of exciting alarm.

The morning of the 15th came in with heavy rains, and a perfect hurricane of wind; consequently, the little column, instead of pressing forward, was fain to keep under shelter of the farm building. But it was not permitted to remain long in a situation so comfortable. Our early parade had just been dismissed, when a few shots in the direction of the advanced sentries gave notice that the Americans, instead of waiting to be attacked, were on the move; and in a few minutes afterwards, a general commotion at

by General Fraser and Colonel Breyman, with the grenadiers and light infantry, who were posted along some high grounds on the right. The front and

the outposts, indicated more by the shouts of the Indians than the report of their arms, warned us to make ready for an immediate attack. Colonel Baume lost no time in preparing to meet it. Forming his dismounted dragoons in close column among the homestead, he directed the provincials, supported by Fraser's marksmen, to advance to the assistance of the pickets, with orders to dispute every inch of ground to the utmost, and finally to retire upon the reserve, should all their efforts to maintain themselves prove ineffectual.

In an instant we were in motion, and a few minutes sufficed to bring us to the scene of action. We found our Indians threatened, rather than seriously assailed, by a considerable body of militia men, before whom they were falling back, leisurely and in order; but such was the violence of the storm, that not one out of a dozen muskets would explode, and hence the skirmish was neither very animated nor very bloody. On seeing us, our savage allies uttered a yell, which seemed to strike panic into the bosoms of their assailants: for the latter instantly paused, hung back as it were irresolute, and finally retired. We followed for a time, briskly and impetuously; but we likewise felt the bad effects of the weather too much to seek a general engagement; and as the movements of the enemy seemed to indicate a wish on their parts to draw us on, we were of course extremely shy in trusting ourselves beyond our own limits. We accordingly halted as soon as we had recovered the ground which the savages had lost, and, lying down behind the trees, contented ourselves with watching the result during many hours, and striving, as well as we could, to keep the priming of our rifles from the rain.

Whether the Americans ever entertained any serious intention of attacking this day, I cannot pretend to determine; but if they did, the state of the weather compelled them to relinquish it. Yet they ventured to advance, from time to time, in considerable numbers, as if resolved to try how far our position was tenable; and on each occasion a little firing took place; but no impression was made upon us, and the rain continuing to fall without intermission, they at last desisted from their efforts, and withdrew. Their proceedings were not, however, of a nature to be disregarded, or held in contempt, by a force so insignificant as ours. Colonel Baume immediately despatched a messenger to the rear, for the purpose of bringing up an additional corps which General Burgoyne had stationed at Batten Kill to support us; whilst he set sedulously to the task of fortifying a position in which he might await the coming up of supplies, of which he began now to be conscious that he stood in need.

The farm of Walmscott lies upon both banks of the Hossac, and consisted at this time of some six or eight log built huts, scattered here and there over the narrow expanse of cultivated ground. To the left was a height, which Colonel Baume hastened to occupy: he posted here the dragoons, with a portion of the marksmen on their right, in rear of a little zigzag breastwork, composed of logs and loose earth. Such of the detached houses as came within the compass of his position, he filled with Canadians, supporting them with detachments of chasseurs and grenadiers, likewise entrenched behind breastworks; and he kept the whole, with the exception of about a hundred men, on the north side of the stream, holding the woods upon his flanks, in his front and rear, by the Indians.

To complete these arrangements, and throw up the few works which were to render them efficient, occupied the entire day, and some portion of the night of the 15th; and seldom have men undergone hardships more severe than our people endured whilst thus employed. Let it be borne in mind, that the 15th was a day of continued rain; not such rain as we are accustomed to witness in this country, but an absolute torrent, to afford shelter against which human ingenuity has yet devised no covering. Under this, the men toiled on, the earth which they threw up being repeatedly washed down again, and the holes and ditches which they dug out filled in a moment, and so rendered worse than useless. But their patience equalled the difficulties which it was called upon to sur-

flanks were covered by Indians, provincials, and Canadians. The left wing and artillery were commanded by Major-Generals Phillips and Reidesel,

mount. Each man felt, too, that he was labouring for his own personal safety, not less than for the benefit of the whole; and all were, in consequence, inspired with a principle of perfect heroism and self-devotion. Poor fellows! their spirit and perseverance were, on the present occasion, of little avail. They sufficed, indeed, to save their possessors from dishonour, and enabled them to sell their lives dearly; but they were quite inadequate to secure victory, or even to ward off defeat.

As soon as darkness fairly set in, our corps, which had kept its station on the opposite side of the stream, was silently withdrawn, and took ground beside Reidesel's dragoons, on the little hill above alluded to. There we passed the night, not very comfortably, as may be well supposed, seeing that no fires were lighted, and that we were all impressed with a powerful sense of impending danger; but if there was an absence of mirth from amongst us, there was no approximation to terror; for we held our own valour at the highest, and rated that of our opponents somewhat too cheaply. Yet there were few amongst us that slept very soundly. We could not but remember, that we were cut off, by a wide tract of desolate country, from all communication with our friends, and exposed to attacks on every side from a numerous enemy; and the whoop which the savages raised from time to time, as well as an occasional musket shot, gave notice, that even now that enemy was not inactive. Our anxiety for the return of day was greater by far than perhaps any of us would have been willing to acknowledge, even to his dearest friend; and the feeling of satisfaction was general, when the gradual reddening of the eastern sky denoted that it was fast approaching.

The morning of the 16th rose beautifully serene. The storm of the preceding day having expended itself, not a cloud was left to darken the face of the heavens; whilst the very leaves hung motionless, and the long grass waved not, under the influence of a perfect calm. Every object around, too, appeared to peculiar advantage; for the fields looked green and refreshed, the river was swollen and tumultuous, and the branches were all loaded with dew-drops, which glittered in the sun's early rays like so many diamonds. Nor would it be easy to imagine any scene more rife with peaceful and even pastoral beauty. Looking down from the summit of the rising ground, I beheld immediately beneath me a wide sweep of stately forest, interrupted at remote intervals by green meadows or yellow corn fields; whilst here and there a cottage, a shed, or some other primitive edifice, reared its modest head as if for the purpose of reminding the spectator, that man had begun his inroads upon nature, without as yet taking away from her simplicity and grandeur. I hardly recollect a scene which struck me at the moment more forcibly, or which has left a deeper or more lasting impression on my memory.

I have said that the morning of the 16th rose beautifully serene; and it is not to the operations of the elements alone that my expression applies. All was perfectly quiet at the outposts, not an enemy having been seen, nor an alarming sound heard, for several hours previous to sunrise. So peaceable, indeed, was the aspect which matters bore, that our leaders felt warmly disposed to resume the offensive, without waiting the arrival of the additional corps for which they had applied; and orders were already issued for the men to eat their breakfasts, preparatory to more active operations. But the arms were scarcely piled, and the havresacks unslung, when symptoms of a state of affairs different from that which had been anticipated, began to show themselves, and our people were recalled to their ranks in all haste, almost as soon as they had quitted them. From more than one quarter scouts came in to report, that columns of armed men were approaching though whether with a friendly or hostile intention, neither their appearance nor actions enabled our informants to ascertain.

It has been stated, that during the last day's march our little corps was joined by many of the country people; most of whom demanded and obtained arms, as persons friendly to the royal cause. How Colonel Baume became so completely duped as to place reliance on these men, I know not; but having listened with compla-

who proceeded along the great road. Colonel Morgan, who was detached to observe their motions, and to harass them as they advanced, soon fell in with

cency to their previous assurances, that in Bennington a large majority of the populace were our friends, he was somehow or other persuaded to believe, that the armed bands of whose approach he was warned, were loyalists on their way to make a tender of their services to the leader of the king's troops. Filled with this idea, he despatched positive orders to the outposts, that no molestations should be offered to the advancing columns; but that the pickets retiring before them should join the main body, where every disposition was made to receive either friend or foe. Unfortunately for us, these orders were but too faithfully obeyed. About half past nine o'clock, I, who was not in the secret, beheld, to my utter amazement, our advanced parties withdraw without firing a shot, from thickets which might have been maintained for hours against any superiority of numbers; and the same thickets quickly occupied by men, whose whole demeanour, as well as their dress and style of equipment, plainly and incontestably pointed them out as Americans.

I cannot pretend to describe the state of excitation and alarm into which our little band was now thrown. With the solitary exception of our leader, there was not a man amongst us who appeared otherwise than satisfied that those to whom he had listened were traitors; and that unless some prompt and vigorous measures were adopted, their treachery would be crowned with its full reward. Captain Fraser, in particular, seemed strongly imbued with the conviction, that we were wilfully deceived. He pointed out, in plain language, the extreme improbability of the story which these deserters had told, and warmly urged our chief to withdraw his confidence from them; but all his arguments proved fruitless. Colonel Baume remained convinced of their fidelity. He saw no reason to doubt that the people whose approach excited so much apprehension, were the same of whose arrival he had been forewarned; and he was prevented from placing himself entirely in their power, only by the positive refusal of his followers to obey orders given to that effect, and the rash impetuosity of the enemy.

We might have stood about half an hour under arms, watching the proceedings of a column of four or five hundred men, who, after dislodging the pickets, had halted just at the edge of the open country, when a sudden trampling of feet in the forest on our right, followed by the report of several muskets, attracted our attention. A patrol was instantly sent in the direction of the sound; but before the party composing it had proceeded many yards from the lines, a loud shout, followed by a rapid though straggling fire of musketry, warned us to prepare for a meeting the reverse of friendly. Instantly the Indians came pouring in, carrying dismay and confusion in their countenance and gestures. We were surrounded on all sides; columns were advancing everywhere against us, and those whom we had hitherto treated as friends, had only waited till the arrival of their support might justify them in advancing. There was no falsehood in these reports, though made by men who spoke rather from their fears than their knowledge. The column in our front no sooner heard the shout, than they replied cordially and loudly to it; then, firing a volley with deliberate and murderous aim, rushed furiously towards us. Now then, at length, our leader's dreams of security were dispelled. He found himself attacked in front and flank by thrice his numbers, who pressed forward with the confidence which our late proceedings were calculated to produce; whilst the very persons in whom he had trusted, and to whom he had given arms, lost no time in turning them against him. These fellows no sooner heard their comrades cry, than they deliberately discharged their muskets amongst Reidesel's dragoons; and dispersing before any steps could be taken to seize them, escaped, with the exception of one or two, to their friends.

If Colonel Baume had permitted himself to be duped into a great error, it is no more than justice to confess, that he exerted himself manfully to remedy the evil, and avert its consequences. Our little band, which had hitherto remained in column, was instantly ordered to extend, and the troops lining the breastwork replied to the fire of the Americans with extreme celerity and considerable effect. So close and destructive, indeed, was our first volley, that the assail-

their pickets in front of their right wing, attacked them sharply, and drove them in. A strong corps was brought up to support them, and, after a severe

ants recoiled before it, and would have retreated, in all probability, within the wood; but ere we could take advantage of the confusion produced, fresh attacks developed themselves, and we were warmly engaged on every side, and from all quarters. It became evident that each of our detached posts was about to be assailed at the same instant. Not one of our dispositions had been concealed from the enemy, who, on the contrary, seemed to be aware of the exact number of men stationed at each point; and they were one and all threatened by a force perfectly adequate to bear down opposition, and yet by no means disproportionately large, or such as to render the main body inefficient. All, moreover, was done with the sagacity and coolness of veterans, who perfectly understood the nature of the resistance to be expected, and the difficulties to be overcome, and who, having well considered and matured their plans, were resolved to carry them into execution at all hazards, and at every expense of life.

It was at this moment, when the heads of columns began to show themselves in rear of our right and left, that the Indians, who had hitherto acted with spirit, and something like order, lost all confidence, and fled. Alarmed at the prospect of having their retreat cut off, they stole away, after their own fashion, in single files, in spite of the strenuous remonstrances of Baume, and of their own officers, leaving us more than ever exposed, by the abandonment of that angle of the intrenchments which they had been appointed to maintain. But even this spectacle, distressing as it doubtless was, failed in affecting our people with a feeling at all akin to despair. The vacancy which the retreat of the savages occasioned, was promptly filled up by one of our two field-pieces, whilst the other poured destruction among the enemy in front, as often as they showed themselves in the open country, or threatened to advance.

In this state things continued upwards of three quarters of an hour. Though repeatedly assailed in front, flanks, and rear, we maintained ourselves with so much obstinacy, as to inspire a hope that the enemy might even yet be kept at bay till the arrival of Breyman's corps, now momentarily expected, when an accident occurred, which at once put an end to this expectation, and exposed us, almost defenceless, to our fate. The solitary tumble which contained the whole of our spare ammunition, became ignited, and blew up with a violence, which shook the very ground under our feet, and caused a momentary cessation in firing, both on our side and that of the enemy. But the cessation was only for a moment. The American officers, guessing the extent of our calamity, cheered their men on to fresh exertions. They rushed up the ascent with redoubled ardour, in spite of the heavy volley which we poured in to check them; and finding our guns silent, they sprang over the parapet, and dashed within our works. For a few seconds the scene which ensued defies all power of language to describe. The bayonet, the butt of the rifle, the sabre, the pike, were in full play; and men fell, as they rarely fall in modern war, under the direct blows of their enemies. But such a struggle could not, in the nature of things, be of long continuance. Outnumbered, broken, and somewhat disheartened by late events, our people wavered, and fell back, or fought singly and unconnectedly, till they were either cut down at their posts, obstinately defending themselves, or compelled to surrender. Of Reidesel's dismounted dragoons, few survived to tell how nobly they had behaved; Colonel Baume, shot through the body by a rifle ball, fell mortally wounded; and all order and discipline being lost, flight, or submission, was alone thought of. For my own part, whether the feeling arose from desperation or accident I cannot tell, but I resolved not to be taken. As yet I had escaped almost unhurt, a slight flesh wound in the left arm having alone fallen to my share; and gathering around me about thirty of my comrades, we made a rush where the enemy's ranks appeared weakest, and burst through. This done, each man made haste to shift for himself, without pausing to consider the fate of his neighbour; and losing one third of our number from the enemy's fire, the remainder took refuge in groups of two or three, within the forest.—*Glick.*

encounter, Morgan was compelled to give way ; but a regiment was ordered to assist him, and the action became more general. The commanders on both sides supported and re-enforced their respective parties ; and about four o'clock, Arnold, with nine continental regiments and Morgan's corps, was completely engaged with the whole right wing of the British army. The engagement began at three o'clock in the afternoon, and continued till after sunset, when the Americans thought proper to retire, and leave the British masters of the field of battle. The loss on each side was nearly equal, six hundred being killed and wounded on the part of the British, and the same number on the side of the Americans. No advantages resulted to the British troops from this encounter ; while the conduct of the Americans fully convinced every one, "that they were able to sustain an attack in open plains with the intrepidity, the spirit, and the coolness of veterans. For four hours they maintained a contest hand to hand ; and when they retired, it was not because they were conquered, but because the approach of night made a retreat to their camp absolutely necessary."* Both armies lay some time in sight of each other, each fortifying its camp in the strongest manner possible. Meanwhile, the difficulties of the British general were daily increasing ; his auxiliary Indians deserted him soon after the battle of Stillwater ; and his army, reduced to little more than five thousand men, was limited to half the usual allowance of provisions ; the stock of forage also was entirely exhausted, and his horses were perishing in great numbers ; the American army had become so augmented as to render him diffident of making good his retreat ; and, to aggravate his distress, no intelligence had yet been received of the approach of General Clinton, or of any diversion in his favour from New York. In this exigen-

cy, General Burgoyne resolved to examine the possibility of dislodging the Americans from their posts on the left, by which means he would be enabled to retreat to the lakes. For this purpose he drew out fifteen hundred men, which he headed himself, attended by Generals Phillips, Reidesel, and Fraser. This detachment had scarcely formed, within less than half a mile of the American intrenchments, when a furious attack was made, which, though bravely resisted, was decidedly to the advantage of the assailants. General Burgoyne now became convinced that it was impossible to conduct any further offensive operations, and endeavoured to make good his retreat to Fort George. Artificers were accordingly despatched, under a strong escort, to repair the bridges, and open the roads, but they were compelled to make a precipitate retreat. The situation of General Burgoyne becoming every hour more hazardous, he resolved to attempt a retreat by night to Fort Edward ; but even this retrograde movement was rendered impracticable. While the army was preparing to march, intelligence was received that the Americans had already possessed themselves of the fort, and that they were well provided with artillery. No avenue to escape now appeared. Incessant toil and continual engagements had worn down the British army ; its provisions were nearly exhausted, and there were no means of procuring a supply ; while the American army, which was daily increasing, was already much greater than the British in point of numbers, and almost encircled them. In this extremity, the British general called a council of war ; and it was unanimously resolved to enter into a convention with General Gates. Preliminaries were soon settled, and the royal army, to the number of five thousand seven hundred and fifty, surrendered prisoners of war.†

* Steadman, vol. i. p. 337.

† Burgoyne had, on his entrance into the territory of New York, published a manifesto, which did not evince that good taste for which the general had been distinguished ; but probably he mistook the taste and feelings of those he came to subdue. This manifesto was answered by Washington in a very forcible manner. This answer contains satire and argument conveyed in the most elegant language. Its spirit is also fine and bold ; the gasconade of the English commander is met with manly defiance, and he was worsted before the battle commenced, in a way he hardly expected. Burgoyne was said to have been a natural son of Lord Bingley ; some, however, think that he had still more important relations. In 1762, he had a command in Portugal. After his return to England, he was chosen a member of parliament, and became a privy counselor. Gallant, gay, learned, eloquent, and in the full sunshine of patronage, he had taken the command of the northern army, and indulged the hope of a brilliant campaign. The fates were against him, and he was obliged to give up all his splendid visions of glory, and prepare to defend himself before his king and country. In this he was able ; and one would think that he had offered a sufficient excuse for every thing but his ignorance of the foe he was to meet, and his staying so long on the frontiers after St. Clair's

retreat ; but for this also he had a plausible excuse. The British ministry were mortified and distressed at this unexpected failure ; and to turn the popular indignation from themselves, they were obliged to sacrifice their favourite. They ordered him to return forthwith to America as a prisoner ; but this was not insisted upon ; yet, he was obliged to resign all his offices and emoluments, which were very considerable. He was still returned to parliament, or held his seat there from a previous election, and joined in the opposition to the continuance of the war, warmly contending that America would prevail. From the peace of 1763, he lived a retired life, until the 4th of August, 1792, when he died, as it was stated in the papers of that day, by a fit of the gout in the stomach. An American royalist, who was in England, and resided within a few doors of his dwelling, informed me that he fell by his own hand, a prey to disappointment and neglect. There never arose a man in Great Britain, who for a time held so many important offices, and on whom so much reliance was placed, of whom the world knew so little. A mystery hung about him from the cradle to the grave, and that, too, in a country where there are but few secrets of any domestic or political nature.

The American army engaged in this enterprise, contained many fine officers. Schuyler was a man of great good sense and experi-

The capture of an entire army was justly viewed as an event that must essentially affect the contest between Great Britain and America; and while it excited the highest joy among the Americans, it could not but have a most auspicious influence on their affairs in the cabinet and in the field. The thanks

ence, having been an officer in the war of 1755 to 1763. He preferred to assist in saving his country, rather than to put it in jeopardy by resentment at losing the honour of commanding the army in the campaign of 1777, after he had prepared the forces for it. General Morgan, the bold and intrepid Virginian, was there, and most efficient in the discharge of his duties, as he was throughout the whole war. Arnold was also one of the most intrepid soldiers in the campaign. Lincoln was there also; he was one of the most bold and discreet of the revolutionary generals. Brooks, whose share in this event every historian of the war has celebrated, and with whose merits the present generation have been made acquainted, lived to give us many minute circumstances of the taking of Burgoyne, which otherwise would have been lost; Dearborn and Hull had their share in the honours of that day; and many more who deserve the meed of honour from the future historians, who may arise to give to distant ages the deeds of the men who fought and bled to achieve the liberties we now enjoy.—*American Editor.*

* The following is from a tour of General Hoyt, of Massachusetts, made to the battle ground forty-eight years after the surrender of Burgoyne. It was given to the American editor in 1825. It is the best description of the affair extant, in a military point of view.

From Troy we proceeded up the Hudson, in an extra stage, through Waterford, Mechanicville, and Stillwater village, to Ketchum's tavern, at Bemis' Heights, the position taken up by General Gates' army, September 12th, 1777, where we found good accommodations. At this place there are now several houses, and among others, the handsome residence of Dr. Willard, of Albany, standing near the site of Bemis' house, which gave name to Gates' camp.

Resolving to give the battle grounds a thorough reconnaissance, in the morning we set out on foot, and traversed the fields in various directions. My companion, one of the heroes of the battle of the 7th of October, appeared alive to the many associations connected with that important event. We first traced the lines of Gates' camp, which in some places still furrow the ground, particularly on the extreme left, where the curtains and bastions are distinctly to be seen. The old red house, not far from the centre of the camp, now fast going to decay, where Gates had his headquarters, was not passed without notice. This my companion well recollected, and he pointed to the spot where he had been planted as a sentinel. A small distance east of the house, at the time of the battles, stood a barn, in which many of the wounded were deposited; but the foundation only remains to mark the spot. The fields adjacent, once the scene of bustle and military preparation, now present a calm and solitary aspect; and here the bones of many a patriot, who died of wounds received in the two actions of the 19th of September and 7th of October, rest in obscurity. My companion pointed out the spot where twenty-eight of these heroes were interred in one grave; and near this spot, the veteran Colonel Breyman and Sir Francis Clark, Burgoyne's aid-de-camp, mortally wounded and taken prisoners in the second action, mixed their remains with their brave conquerors.

After noticing the ground occupied by the different regiments and brigades, and listening to the many anecdotes of my companion, we continued our route across Nelson's farm, on an eminence, in advance of Gates' camp, the frequent post of Morgan's riflemen, and passing a ravine and an open field beyond, we reached a wood, where his regiment was drawn up, on the right of Gates' line, where they hove up a slight work of logs, in the battle of the 7th of October. From this point, crossing other fields, westerly, and a bridge over a rill, we rose to higher ground, Burgoyne's *point of appui* in the same battle; and a little further north, formed *en potence*, and crowning a height, stood Major Ackland's British grenadiers, the most sanguinary point of the contest.

The British line extended from this point, westerly, about a third

of congress were voted to General Gates and his army; and a medal of gold, in commemoration of this splendid achievement, was ordered to be struck, to be presented to him by the president, in the name of the United States.*

Gen. Burgoyne's surrender, is certainly, in a con-

of a mile, crossing two open fields and an intervening copse of wood, to some high grounds within view; the right occupied by Brigadier-General Fraser's elite, consisting of the twenty-fourth regiment and Lord Balcarras' light-infantry; the centre and left of the British and German troops of the line, under Generals Phillips and Reidesel. Eight pieces of cannon, two of which were twelve pounders, were posted along the line, besides two howitzers, in front of Fraser's elite. On the south, in front of the line, the ground falls off to a rill, then covered with brush, from which the American columns debouched, as they advanced to the attack, under a heavy fire from the British artillery.

The battle at this place commenced on the British left, by General Poor's brigade, and soon after on the right, by Colonel Morgan's and Major Dearborn's corps, and the whole line was soon engaged. Morgan and Dearborn having turned and broken the right flank of Balcarras' infantry, and Ackland's grenadiers on the left, being hard pressed by Poor, Burgoyne despatched orders for Fraser's elite to retire from the right, and form a second line to support the left. In executing this order, Fraser having arrived in the rear of the left, followed by Morgan, received a mortal wound, and was carried off the field.

Mr. Walker, who resides a little distance in the rear of the ground occupied by the British line, pointed out to us the site of two huts which stood near the centre of the left, and here my companion recollected to have seen the ground covered with dead the morning after the action. Near this spot, Major Williams, of the artillery, and Captain Money, D. Q. M. General, and several other officers, were captured by the Americans, and eight pieces of cannon were taken.

The ground occupied by the left of the British line, may be known by a solitary poplar tree, standing on the side of the road, marked with the initials of some person's name, near which the ground falls off to the east.

After viewing this sanguinary spot, and analyzing the movements of the different corps, we passed along the road, northerly, to the point where General Fraser received his wound. Walker's blacksmith's shop is about twenty rods north of the place, and not far from the same, Sir Francis Clark, Burgoyne's aid-de-camp, also received his wound, as he was conveying orders from Burgoyne to Phillips and Reidesel.

Proceeding northerly, forty or fifty rods, we arrived at the house of the younger Walker, situated on an eminence, which, with several others, extending northerly, were occupied by Fraser's elite during most of the battle of the 19th of September.

Here General Larned's brigade and Marshall's regiment were engaged towards the close of the battle of that day, and near Walker's barn, situated a little east of his house, stood the British grenadiers opposed to Marshall's regiment, as darkness commenced. Near the barn, Walker had just discovered and disinterred the skeleton of a man killed in the action, by a ball which perforated the back of the skull, and a circular piece, cut out by the ball, was found, exactly fitting the perforation. The bones indicated a man of a large size, from which, and knowing the ground to have been the position of the British grenadiers in the first action, we concluded he must have been one of that corps. Further to the right, and westward of Walker's house, we noticed the spot where the late Governor Brooks, of Massachusetts, then lieutenant-colonel of Jackson's regiment, sustained his nocturnal attack from Breyman's German grenadiers. [See Gordon, vol. 2, letter 8th.]

Continuing our route northerly, along Fraser's heights, we turned to the right, across lower ground, and rose a gentle hill, covered with trees of a recent growth, the fortified position of Colonel Breyman, in the action of the 7th of October. This fortification was a temporary work of logs and rails, and has disappeared. Every inch of this ground presents interesting associations, and with eager

siderable degree, to be attributed to the want of co-operation both on the part of General Carleton, in Canada, and of Sir H. Clinton, at New York. The

steps we traversed the hill to find some relic or trace of the gallantry of the men who fought on this spot; but all marks are obliterated. With deep sensations we now surveyed the open field, over which Lieutenant-Colonel Brooks led on Jackson's regiment, under a heavy fire, in his gallant charge on these works, in the battle of the 7th of October, and penetrated them a few moments before General Arnold galloped in through a sally port, and received his wound. Other regiments then advancing, the post was carried at every point, and about two hundred of the enemy made prisoners, while the remainder escaped into the woods in the rear, leaving two pieces of cannon in the hands of the Americans.

Passing over the hill, we descended to a beautiful opening on the east side, the camp of Breyman's German brigade; back of which is a ravine and rill, where Breyman was found by the victors, mortally wounded, taken up and sent to Gates' camp, where he died. This post formed the right flank of the British fortified camp, and its capture exposed other points to an attack in the rear. Sensible of its importance, Burgoyne, on first hearing that it was carried, gave orders for its recovery; but though they were positive, they were not obeyed, and Larned's brigade held the post unmolested through the night.

General Wilkinson states, in his memoirs, that Arnold, during the attack on Breyman's post, turned its right, at the head of a few riflemen, and threw himself into the rear, where his leg was broken, and his horse killed under him. The general was not an eye witness to the event, and probably, through misinformation, has given it erroneously. That Arnold was wounded *within* the works, after passing the sally port, has been repeatedly asserted by Governor Brooks, as well as others, who *saw* the whole.

Quitting this interesting spot, we passed on, southerly, over the ground where stood the two block houses so gallantly stormed by detachments from Brooks' regiment, in the same action, and the commanders, Lieutenants Wiley and Goodrich, and many of their men, killed; and turning easterly, through a copse of wood, reached a road in the rear of Freeman's field. Along this road, still flanked by woods, Burgoyne formed the 9th, 21st, 62d, and 20th regiments, (this was the order from right to left,) and Captain Jones' brigade of grenadiers, previous to the sanguinary contest on the 19th of September, while Major Forbes, with the British van, pressed into the field, was attacked by Morgan, near Freeman's hut, and driven back to the British line in the woods, and Morgan, in turn, broken and forced back into the woods south of the field.

Continuing southerly in the road, and crossing a small ravine, we entered Freeman's bloody field, and a few rods south, the house of Mr. Leggett, who now resides on the farm embracing the field of battle. At the time of the battle, the field was an oblong, of from seventy to eighty rods in length, east and west, by about thirty in breadth, inclosed by a worm fence, and surrounded by woods. Near the centre is an elevation, extending from Leggett's house, nearly at right angles, across the field, upon which a hut and small barn were situated, and near the latter, the elevation terminated, at a narrow ravine, extending parallel to the field. South of this ravine are other elevations, sloping off gently to level ground, south, the whole then covered with woods, in which the Americans were drawn up in the first part of the battle of the 19th of September.

No part of the ground we had traversed, presents more interesting associations than this field. Here British valour and veteran skill, were successfully opposed by native bravery and patriotic ardour; and here it was, that the proud Briton was compelled to acknowledge the fallacy of his boasted declaration, "that the Americans would fight only under cover of woods and intrenchments, and that they were incapable of sustaining a fair and equal conflict in the open field."

While at Leggett's, we were presented with balls, and several fractured implements of muskets, found on the field, among which was part of a brass guard, numbered XX, supposed to belong to that regiment.

We were now upon the ground occupied by the 62d British re-

giment, indeed, performed a service, which, if effected a little earlier, might possibly have relieved Burgoyne. With nearly three thousand men, convoyed by some

giment, commanded by Colonel Anstruther, during most of the battle of the 19th, flanked on the right by the 21st, and on the left by the 20th regiments, the whole under Brigadier-General Hamilton; the 9th of the same brigade being drawn off, and posted in the rear of the field, as a *corps de reserve*; and here this brigade, with the artillery under Captain Jones, bore the brunt of the battle for about four hours, hand to hand, with the Americans, and human life was profusely expended.

A few rods southerly of Leggett's barn, we noticed the ground where Morgan and Dearborn attacked the British when under Major Forbes; and here the regiments of Silley and Scammel, of Poor's brigade, a battalion under Major Hull, Morgan's and Dearborn's corps, renewed the battle on Hamilton's brigade, which was vigorously maintained on both sides, each alternately giving and gaining the ground; and here, about three o'clock in the afternoon, the remainder of Poor's brigade, with some other regiments, came up on the left, and pressed into action, and the fire was continued with alternate advantage on both sides, until the smoke and night-fall rendered objects undiscernible, when the action terminated precisely on the ground where it commenced.

Among the officers who fell at this place, on the part of the Americans, were Lieutenant-Colonel Colburn, of Silley's, and Lieutenant-Colonel Adams, of Hale's New Hampshire regiments. The 62d British regiment was literally cut to pieces; after the action, it did not exceed sixty men, and five or six officers, fit for duty. Colonel Anstruther, and his major, Harnage, were wounded. During the contest, the field presented a scene of horror appalling even to veteran troops; the British officers were constantly falling under the fatal fire, or carried off the field wounded; the ranks thinned, and the artillery men nearly annihilated. Out of forty-eight men stationed at the guns under Captain Jones, who fell, thirty-six were killed or badly wounded; and among the officers, only one lieutenant escaped, and he with a shot through his hat.

Passing the small ravine south of Leggett's barn, we rose an elevation, the post with another on a knoll a little further west, strongly fortified, and the woods cleared off by Burgoyne after the battle of the 19th. These elevations were occupied by Lord Balcarras' light-infantry, after their retreat from the first position, south of the elder Walker's, in the battle of the 7th of October; and here, towards the close of the day, Arnold, with Poor's and Patterson's brigades, made his desperate attack, and was repulsed, and he, with his horse, entangled in the surrounding abattis, from which, with the utmost difficulty, he extricated himself, while under a heavy fire of grape and cannister from the British batteries. "A more determined perseverance," says the British commander, "than the Americans showed in this attack upon the lines, though they were finally repulsed by the corps under Lord Balcarras, I believe is not in any officer's experience." Had the assailants been less embarrassed with the abattis, probably they would have covered the works, though manned with Burgoyne's best troops.

From this elevation, we had a fair view of the greatest part of the battle grounds, and the line of Burgoyne's camp taken up subsequently to the battle of the 19th, and in which the principal part of the army continued until that of the 7th of October. North and east of Leggett's house, was the camp of Fraser's elite, flanked on the left by Hamilton's brigade, and further on the left, extending to the river hills, that of the German troops, under Reidesel, excepting Breyman's command, which was to the right of Fraser, formed *en potence* to the main line; the whole covered by temporary works, which are now nearly obliterated. In the meadow in the rear of the left of Reidesel's German corps, was the British hospital camp, protected by several batteries, and three redoubts on the projecting points of as many hills, overlooking the meadow.

The grounds adjacent, at the time of the battles, were covered with woods, but now present, in some parts, fields under cultivation. North of Freeman's field, the woods are still standing, exhibiting the exact features of 1777, and the road through them, where Burgoyne first formed the four regiments of Hamilton's brigade, is still distinctly seen.

ships of war under Commodore Hotham, he conducted an expedition up Hudson's River, in October, against the forts Montgomery and Clinton. When arrived

In passing over these sanguinary fields, my companion appeared to be highly excited by the many recollections which rushed upon his mind, and the circumstance of our visit happening on the 48th anniversary of the battle of the 7th of October, presented the various scenes in a most striking point of view. Nor did my own feelings remain "indifferent and unmoved."

To walk with callous indifference over ground once the scene of blood and carnage, of occasional fear and triumph, and these heightened by the recollection, that many of our acquaintance shared in them, may comport with minds steeled to sensibility; but those of a different stamp, in which are included a majority of the reflecting part of mankind, will be differently affected. Nor are lessons drawn from such scenes destitute of utility. They fix the mind on the characters of the heroes who perished in the cause of our country; stimulate to noble exploits, and fill the mind with just reflections on the value of our dear bought liberties. With a portion of these feelings, we returned to Ketchum's tavern, passing again over part of Gates' camp.

On our route to our quarters, we fell in with a Quaker gentleman who resides in the vicinity, with whom we had some conversation on the scenes that had been exhibited in these fields; and notwithstanding his aversion to military exploits, he appeared to be interested, on hearing that my companion was one of the men who have fought for his country. And in traversing over the battle grounds, we were welcomed to the hospitable mansions of several of these people, who evinced an interest in our researches, and gave us their aid in pointing out the most remarkable places on the battle fields. An elderly lady remarked, that she resided on a farm in the vicinity of Saratoga Lake, at the time of the battle, and heard the terrible roar of the dreadful cannon; and that British reconnoitering parties frequently visited her house, from whom she received very civil treatment, and gave them, in return, such refreshments as her mansion furnished.

Before we left Ketchum's, we reconnoitered the banks of the Hudson, and my companion pointed out the spot where Gates threw over a bridge to connect with the left bank, and the ground where he recollected to have seen a tribe of American Indians encamped.

The freight boats constantly passing along the canal, within a few yards of our traverse, afforded us a passage about 2 1-2 miles, up to Smith's tavern, the cottage in which the unfortunate General Fraser died of his wounds, the morning after the battle of the 7th of October, where we arrived at dark, after making half a dozen very submissive bows to the bridges stretching across the canal; an embarrassment we had not anticipated, and which requires some caution to avoid a broken head. On this route, we passed the left flank of the British camp, on the west of the eminence, and the ravine from which the British sharp shooters wounded General Lincoln, the day succeeding the last battle on the heights.

Smith's house, which stood at the foot of the hill, at the period of the battles, and has been drawn forward to the road on the bank of the river, is situated in a handsome meadow, bordering on the Hudson, the same embraced by Burgoyne's hospital camp, and taken up by his whole army, in the night succeeding the second battle. In the morning we traversed over the ground, noticing the places most remarkable for interesting events, and among others, the elevated hill on which General Fraser was buried, under the fire of the American artillery posted in a meadow below, so elegantly described by Burgoyne, in his account of his expedition. A few yards below the *great ravine*, so called by the British officers, we noticed the point where Burgoyne's bridge of boats was thrown across the Hudson, at the head of which, on the left bank, are the remains of his *tele de pont*. The bed of the great ravine, through which a road formerly led from the hospital camp to that on the height, is now flowed by the water of the canal. South of the ravine are the heights on which Balcarras' light-infantry was posted, during the 8th of October; and here several skirmishes took place between the British and American sharp shooters, in one of which General Lincoln was wounded, as has been noted. Of the three

within a mile of the place of destination, the troops separated into two columns; the one, consisting of nine hundred men, under Lieutenant Campbell, was

redoubts on the hills adjoining the meadow, little or no remains are to be seen, excepting that in the centre, where Fraser was buried, which is still distinct. The remains of another work may be traced in the meadow, a short distance south of Smith's, near which was posted the park of artillery. In the bar room of Smith's tavern, General Fraser breathed his last; and there, says Madam Reidesel, who quartered at the same place, "I often heard him exclaim with a sigh, 'Oh, fatal ambition! Poor General Burgoyne O, my poor wife!'"

Several late tourists, through a very natural mistake, have called Smith's house, *Sword's house*; the latter, it appears by Burgoyne's plans, was situated about a mile above, at his camp, taken up on the 17th of September; the house is now demolished.

In the early part of the day, we left the hospital camp, and in a stage proceeded up the river six miles, to Schuylerville, at *Fish Creek*, in Saratoga, the scene of Burgoyne's last struggles, passing, on the route, the British camp at *Sword's house*, and the elevated ground on which the British army halted on its retreat, on the morning of the 9th of October, at what was then called *Davocote*, or *Van Vechtin's Creek*. This spot is rendered memorable from the interesting relation Burgoyne has given of Lady Harriet Ackland, who here embarked in a boat, and descended to Gates' camp, attended by Mr. Brudenel, chaplain of the artillery. A short distance south of the site of the old church, at Schuylerville, we noticed the place where the right of Gates' camp rested, on the 10th of October.

The retreat of the British army, from the hospital camp, to *Fish Creek*, was attended with many embarrassments. It commenced about nine o'clock in the evening, and as it was apprehended that the Americans would pass upon the rear, a strong body of the best troops, under General Phillips, was ordered to cover the march; General Reidesel commanded the van. From the nature of the country, and the darkness of the night, the movement was difficult as well as critical; the artillery and such baggage as could not be embarked in boats, were to be dragged along a narrow road, composed of argillaceous soil, over which the stoutest horses could with difficulty draw an ordinary load; and with the emaciated and jaded animals of the army, an empty carriage was a burden almost beyond their power. Besides, the army was liable to an attack at every step, from the woods on the left; nor were the boats less exposed in stemming the river, from the attacks of the militia posted along the left bank, who were secure during the darkness, from annoyance from the artillery. To add to these difficulties, a heavy rain commenced, which converted the road into perfect quagmire, and rendered the march of the baggage and artillery next to impossible, and their total loss was apprehended. General Phillips was ordered to bend his whole attention to the covering of the army, by taking a position that would enable it to form in order of battle, without regarding the column of baggage, and to rely exclusively on the bayonet. Under such embarrassments, the loss of several provision boats, and baggage wagons, is not surprising.

After a short respite at the stage house in Schuylerville, we prepared for a reconnoissance of Burgoyne's camp, which extended along the heights, from Lemson's, now Bushett's house, the same occupied by Madam Reidesel, (see her narrative,) nearly opposite to the mouth of the Butterhill, to an eminence about three fourths of a mile, southwest of our tavern, and here was Burgoyne's head quarters; the strongest point of his position. On an elevation in the meadow, northeast of the village, the park of artillery was posted, under the cover of some temporary works. Excepting two or three open fields, the position of the army was principally covered with woods; but the meadow was open, cultivated ground. At the mouth of *Fish Creek*, on the north side, are the ruins of Fort Hardy, built in the French war, by many erroneously supposed to be the work of Burgoyne, and through the meadow, now passes the northern canal, presenting an extensive triangular basin on the north of *Fish Creek*; and over this is an aqueduct. South of the creek is Schuyler's house, standing nearly on the site of General Schuyler's, burnt by Burgoyne. The old church, which stood on

destined for the attack on Fort Montgomery; the other, under the immediate command of Sir Henry Clinton, was to storm the stronger post of Fort Clin-

the height, southwest of this house, in 1777, is demolished, and a handsome new one is now pleasantly situated in a recess of a grove, on the height west of the village.

Arriving at the works on the elevation, at the extreme right of Burgoyne's camp, the lines, encompassing several acres, were easily traced, presenting salient and recruiting angles, and here were posted the 9th, 21st, and 24th regiments, the British grenadiers, Balcarras' light-infantry, Captain Fraser's rangers, and the American volunteers. The left of the camp, on a ridge, north of the village, nearly parallel to the river, was occupied by Reidesel's Germans; and the central ground, by the 20th, 47th, and 62d British regiments, the German grenadiers, and Barnes' corps, partially covered by intrenchments. Farther west, in the margin of the woods, were the Yagers and Canadians. Their out-posts extended along the north side of Fish Creek, from its mouth to the right of the camp. The position here described is that held at the time of the convention. The right of Gates' camp, was about a mile south of Fish Creek, and the line extended into the woods over elevated ground, opposite to Burgoyne's right, and the advanced posts were near the creek opposite to those of the British.

In passing over the right of the British camp, my companion found himself on interesting ground, and with hasty steps, we proceeded to the spot where his regiment, commanded by Colonel Woodbridge, of Massachusetts, was drawn up in the woods, within a few yards of the British intrenchment, prepared for an assault on the morning of the 11th October, 1777. To comprehend this movement, it is necessary to recur to details. On the night of the 10th, Gates was led to believe that Burgoyne, leaving his fires burning under the care of a few pickets, had left his camp and retreated up the Hudson, on which he gave orders for a forward movement, to seize the abandoned camp. At day break the next morning, being very foggy, Patterson's and Larned's brigades, with Morgan's corps and Woodbridge's regiment, were put in motion towards the British right; and Nivon's and Glover's brigades; at the same time, moved up the meadow, and the former crossed Fish Creek, and surprised a British picket, in old fort Hardy. The fog at this time dispersing, the British army was found in their position, ready for an attack, and the park of artillery immediately opened a fire upon the American column, threw it into some disorder, and compelled it to reoccupy the creek; the two brigades then returned to camp. Finding that Gates had ordered the movement under a misapprehension of the position of the British army, Adjutant-General Wilkinson, who had attended the movement of Nixon and Glover, immediately put spurs to his horse, pushed up the creek, and crossing over at a mill, about three quarters of a mile above Schuyler's, found Morgan's, Patterson's, and Larned's brigades, with Woodbridge's regiment, on the right, advancing through the woods, and approximating the British lines. In front for about twenty yards, the trees had been felled, and sharpened to a strong abattis, and Woodbridge's regiment had laid down their packs and approached within ten yards of the opening; the British lying close under the intrenchment, ready to open their fire, as soon as their assailants were uncovered by the woods. At this moment Wilkinson rode up, and directed the Colonel to fall back, on which the regiment came about, and retired about thirty yards to a depression in the ground, where the men were covered from the direct fire of the enemy. With a temerity truly characteristic of young troops, individuals then advanced, and posting themselves behind trees, opened a scattering fire upon the enemy, who were now indistinctly seen through the fog, and received theirs in return. My companion pointed me to a large pine, not exceeding thirty yards from the British works, behind which he, with several others, covered themselves, while eagerly popping at the enemy's heads, seen over the parapet; while here he barely escaped a shot, aimed at an uncovered part of his body; and having expended several cartridges, the party fell back to the regiment, and soon after the whole retired to Fish Creek, opposite to the mills, where they were ordered to throw up defensive lines. In the mean time, Patterson's and Larned's brigades, with Morgan's corps on the left, approached

ton. The garrison, when summoned, having refused to surrender, the assault was made on both forts at the same instant. These fortresses, which were se-

the British lines, and were on the point of opening their fire, when Wilkinson rode up and informed Larned, who commanded in the absence of Patterson, of the result of the movement in the meadow, and advised an immediate retreat, on which the line came about and retired; but before they were masked by the woods, the enemy opened a fire of artillery and musketry, and several were killed. The two brigades continued their retreat to an open field, where they hove up lines, and remained until Burgoyne surrendered; Morgan at the same time took a position in the woods, in the rear of the British right.

As a striking illustration of the indifference with which soldiers regard danger, and soon become callous to the tender feelings, common to a life of domestic tranquillity, I cannot omit to notice a fact given by my companion. The men composing the regiment, had been in service but a few months, but in general they had been habituated to hardships, and were strangers to the delicacies of affluent life. When the regiment had retired the short distance of sixty yards from the British intrenchments, to lower ground, where the men were covered from the fire of the enemy, they sat down at their ease, and entered into familiar conversation; in one instance, he noticed a soldier leisurely combing the head of his messmate, while the bullets of the enemy were whistling over their heads, and cutting the limbs of the trees.

Passing from the British right, to the mill on Fish Creek, my companion noticed the spot where one of their advanced sentinels shot a woman, who had left the British camp to procure water from a brook, winding through a little ravine, on the bank of which the sentinel was posted. She had been challenged but refused to comply with the strict orders of the sentinel, on which he fired, and gave her a fatal shot.

Reaching the creek, we passed it on floating timber, resting against the mill dam, and my companion remembered that his regiment passed the mill pond in the same manner, and at the same place, as they advanced to attack the British lines, as has been related; and continuing our route along a road on the right bank of the creek, we came to the salient point of a hill near Schuyler's house, where a picket, of which he was one, was attacked by a party of the British, in the night of the 10th of October; but after a little random firing, and a few discharges of a field piece, which advanced to the spot, the enemy fell back.

Proceeding thence to the meadow, near fort Hardy, and looking over the ground where Burgoyne piled his arms on the 17th of October, we returned to our quarters, where we were shown several cannon balls, taken from the ground, in excavating the canal.

Bushett's house, near the left of the German camp, in which Madam Reidesel had her quarters while the British army lay at this place, has been repaired by its present owner; and he informed me that the marks of the cannon balls, mentioned in the narrative of that lady, were to be seen when first occupied by him. The American battery from which the house was cannonaded, was planted on the opposite bank of the Hudson, above the mouth of the Butterhill. It is justly due to the officer who directed the fire, the Honourable Major-General Ebenezer Mattoon, and since Adjutant-General of the militia of Massachusetts, then a lieutenant in the artillery, to state, that the unfortunate condition of the people in the house was unknown; and that it was supposed to be the quarters of some of the enemy's general officers.

The country embracing the operation of the armies under Generals Gates and Burgoyne, is daily becoming more interesting to travellers, and many resort there for the gratification of a laudable curiosity. As time elapses, it will be sought with more avidity, and future generations may in vain seek for the scenes of these important events, unless they are marked by some durable memorial. As a taste for monuments is now increasing in our country, it is to be hoped that the events connected with the capture of the British army, the pivot on which our revolutionary struggle turned, will not be neglected.

The elevation on the Freeman farm, presents a favourable site for a monument, on which should be engraven the names of the princi-

parated from each other by a creek only, were commanded by Governor Clinton, a brave and intelligent officer, who made a gallant resistance from four in the afternoon, when the attack began, until dark; but, the post having been designed principally to prevent the passing of ships, the works on the land side were incomplete and untenable, and the assailants entered them with fixed bayonets. Most of the garrison, however, effected their escape, under cover of the thick smoke and darkness.

Having noticed the most important features of the military operations of the year 1777, it will be proper, before entering on those of the following years, to afford the reader some information on two very important points—the progress made by the Americans in their foreign relations, and the steps which had been taken to consolidate the general government. In both cases it will be necessary, in order to give a clear and comprehensive view of the subject, slightly to deviate from strict chronological order.

The contest between Great Britain and her colonies had not long commenced, before congress directed their attention to the possibility of attaining foreign assistance. Towards the close of the year 1775, a committee was appointed to hold secret correspondence with the friends of America, both in Europe and other parts of the world.* Early in the year 1776, the committee, seeing little prospect of an accommodation, and well aware that France would be disposed to make great sacrifices to reduce the power of Great Britain by the separation of her North American colonies, sent Silas Deane, as a commercial and political agent, to the French court.† Mr. Deane arrived in Paris about the 1st of July, and was indefatigable in pursuing the objects of his mission; and through Dr. Dubourg, a friend to America, was in a few days introduced to Vergennes. His arrival at Paris was immediately known in London, and Lord Stormont was sent express to Paris to watch his movements. Mr. Deane stated to the French minister the objects of his mission, agreeably to his in-

struction, and in his first conference he touched upon the subject of forming treaties with the Americans in case of their declaring themselves independent. The American agent was favourably received by the French minister, and was asked many questions in relation to American affairs. Vergennes informed Mr. Deane, that though the French court estimated highly the importance of American commerce, yet, considering the good understanding between the courts of Versailles and London, they could not openly encourage the shipping of warlike stores; but no obstructions of any kind, he said, would be given. On the subject of independence, he observed, that was an event in the womb of time, and it would be highly improper for him to say any thing on that point until it had actually taken place. This first conference with the French minister ended much to the satisfaction of the American agent.

As soon as the question of independence was decided in the affirmative, congress took the subject of foreign affairs into their own hands; and, on the 11th of June, appointed a committee to prepare a plan of treaties with foreign powers.‡ In the month of September, congress appointed Dr. Franklin, Mr. Deane, and Mr. Jefferson, commissioners to proceed to France.§ Dr. Franklin and Mr. Lee arrived at Paris in December, and the objects of their mission were soon made known to the French court. The court was not yet prepared to acknowledge the independence of the United States, to form treaties with them, or openly to espouse the cause of the Americans; to prove, however, his good wishes towards the United States, the king ordered two millions of livres to be paid to them by quarterly payments, which should be augmented as the state of his finances would permit. The most profound secrecy, in relation to this donation, was enjoined. The course of policy France intended to pursue, in the contest between Great Britain and her colonies, was now obvious; and with her views of the subject, was perhaps, as it regarded herself at least, a very natural as well as

seemed to indicate, it would be most proper to obtain and cultivate her friendship. That in such case, the commercial advantages formerly enjoyed by Great Britain, would be transferred to France. That the Americans were in want of clothing and arms for twenty-five thousand men, with a suitable quantity of ammunition, and a hundred field pieces. Mr. Deane was also directed to sound the French minister with regard to forming an alliance with the colonies, in case they should be forced to declare themselves independent.”—Pitkin, vol. i. p. 387. The instructions will be found at length in the Diplomatic Correspondence of the American Revolution, edited by S. Sparks, vol. i. p. 5—9.

* The committee consisted of Mr. Harrison, Dr. Franklin, Mr. Johnson, Mr. Dickinson, and Mr. Jay.

† “He was to appear in the character of a merchant, and was directed, among other things, immediately after his arrival at Paris, to solicit an interview with the Count De Vergennes, the French minister, and to inform him, that congress, being unable to obtain for America the quantity of arms and ammunition necessary for its defence, had despatched him to apply to some of the European powers for a supply. That he was instructed to make his first application to France, from an opinion that, in case of a total separation of America from Great Britain, which every circumstance

seemed to indicate, it would be most proper to obtain and cultivate her friendship. That in such case, the commercial advantages formerly enjoyed by Great Britain, would be transferred to France. That the Americans were in want of clothing and arms for twenty-five thousand men, with a suitable quantity of ammunition, and a hundred field pieces. Mr. Deane was also directed to sound the French minister with regard to forming an alliance with the colonies, in case they should be forced to declare themselves independent.”—Pitkin, vol. i. p. 387. The instructions will be found at length in the Diplomatic Correspondence of the American Revolution, edited by S. Sparks, vol. i. p. 5—9.

‡ This important committee consisted of Mr. Dickinson, Dr. Franklin, John Adams, Mr. Harrison, and Robert Morris.

§ Mr. Jefferson, on account of the situation of his family, being unable to accept the appointment, Arthur Lee, then in London, was substituted.

wise course, as she evidently entertained serious doubts whether the States would be able to form a lasting union among themselves, or to persevere in maintaining their independence. Although the court were thus undecided, the cause of the United States was extremely popular in France, both among the people and the army, and many French officers sought an opportunity of engaging in their service. Among these, the young Marquis de la Fayette was most conspicuous for his rank, and most distinguished for his ardour and enthusiasm. At an early period he communicated to the American agents his wish to join the republican armies. At first they encouraged his zeal, but learning the disasters which preceded the victory at Trenton, they, with honourable frankness, communicated the information to him, and added, that they were so destitute of funds, that they could not even provide for his passage across the ocean. "If your country," replied the gallant youth, "is indeed reduced to this extremity, it is at this moment that my departure to join her armies will render her the most essential service." He immediately hired a vessel to convey him to America, where he arrived in the spring of 1777. He was received with cordial affection by the people, became the bosom friend of Washington, solicited permission to serve without pay, and was appointed major-general in the army.

The disastrous state of American affairs at the close of the year 1776, induced congress to attend more seriously to the subject of securing foreign aid; and a new committee was appointed. Some of the members of this committee were disposed to make great sacrifices to obtain the aid of France, and were almost prepared to offer her the same monopoly of American commerce as had been enjoyed by Great Britain.* On the 30th of December, congress came to the resolution of sending commissioners to the courts of Vienna, Madrid, and Berlin, and to the grand duke of Tuscany.† These commissioners were instructed to assure the courts to which they were sent, that the Americans were determined to

maintain their independence, notwithstanding the suggestions of the British to the contrary.

The success of the arms of the United States by the capture of the army of General Burgoyne, gave a new aspect to their affairs in France, and indeed throughout Europe. The American commissioners at Paris now stood on commanding ground. The French court, aware of the views of the British ministry in relation to the colonies, no longer hesitated about accepting the propositions of the American envoys. M. Gerard informed the American commissioners, on the 16th of December, "that after a long and mature deliberation upon their propositions, his majesty had determined to recognise the independence of, and to enter into a treaty of commerce and alliance with, the United States of America; and that he would not only acknowledge their independence, but actually support it with all the means in his power; that perhaps he was about to engage himself in an expensive war upon this account, but that he did not expect to be reimbursed by them; in fine, the Americans were not to think that he had entered into this resolution solely with a view of serving them, since, independently of his real attachment to them and their cause, it was evidently the interest of France to diminish the power of England, by severing her colonies from her."‡ On the 6th of February, 1778, a treaty of commerce was signed by Franklin, Deane, and Lee, on the part of the United States, and by M. Gerard on the part of France, together with a treaty of defensive alliance, in case war should be the consequence of this commercial connexion. The essential and direct end of this alliance was, "to maintain the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce."

Before leaving this subject, it is necessary to state, that as, previous to the recognition of independence by the court of France, it was imperative that the intercourse with the American agents should be conducted indirectly and with the utmost secrecy, the French government rendered their secret assistance

* "To induce France to embark in the war, the American envoys were authorized to stipulate, that all the trade between the United States and the West India islands, should be carried on either in French or American vessels; and were specially instructed to assure the French king, that if, by their joint efforts, the British should be excluded from any share in the cod-fishery of America, by the reduction of the islands of Newfoundland and Cape Breton, and ships of war should be furnished, at the expense of the United States, to reduce Nova Scotia, that the fishery should be enjoyed equally between them, to the exclusion of all other nations; and that one half of Newfoundland should belong to France, and the other half, with Cape Breton and Nova Scotia, to the United States. Should these proposals be insufficient to induce France to join in the war, and the commissioners were convinced that the

open co-operation of France could not otherwise be obtained, they were directed to assure his most Christian Majesty, that such of the West India islands as might, in the course of the war, be reduced, should be yielded to him in absolute property."—Pitkin, vol. i. p. 392.

† William Lee was appointed commissioner to the courts of Vienna and Berlin, Ralph Izard to the Duke of Tuscany, and Dr. Franklin to Spain. Arthur Lee was afterwards appointed, in the room of Dr. Franklin, to the Spanish court. While Mr. Lee was at Berlin, his papers were stolen from his lodgings in a most extraordinary manner, and the British envoy at the Prussian court was implicated in this transaction.

‡ Franklin's Works, vol. i. p. 362.

through the agency of M. Beaumarchais, who appears to have been more desirous of serving himself than the Americans. The mode in which he converted the gratuitous aid of the French court into articles of charge in his accounts with the congress, and especially his retaining in his hands a million of livres out of the subsidy granted by the French king, are circumstances too extraordinary to be entirely passed over, but our limits compel us to refer the reader for the details to that very able work, Pitkin's Civil and Political History,* and to the volumes of Diplomatic Correspondence already alluded to.

During the first stages of the revolution, the universal enthusiasm of the people, directed to one common object, in some measure supplied the place of a general legislative and executive power. The congress had hitherto possessed no powers but such as were conferred by the instructions given by the state legislatures to their respective delegates; but on the 11th of June, 1776, the day following that in which the resolution in favour of independence had been adopted, congress determined to appoint a committee to prepare and digest the form of a confederation. This committee, on the 12th of July following, reported a plan of confederacy, consisting of twenty articles, and on the 22d of the same month it was

discussed in committee of the whole house, and was under consideration until the 20th of August, when an amended draft was reported. The difficulty in agreeing upon the details of the system, as well as the gloomy aspect of American affairs at this period, prevented congress from resuming this subject until April, 1777, when they resolved that two days in each week should be employed upon it, "until it shall be wholly discussed." The amended draft was considered and debated accordingly until the 26th of June, when it was again postponed to the 2d of October, and was not finally adopted by congress until the 15th of November. The outlines of the system were, that the thirteen states formed a confederacy, under the style and name of "the United States of America;" by which they entered "into a firm league of friendship with each other, for their defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever."† This plan of union was to be proposed to the legislatures of all the states, and, if approved, they were advised to authorize their delegates in congress to ratify the same; this being done, it was to be conclusive.‡

* Vol. i. p. 403—422.

† The following is a summary of the points embraced in the articles of confederation:—Each state to retain its sovereignty and independence, and every power, jurisdiction, and right, which is not expressly delegated by this confederation to the United States in congress assembled. The states enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to or attacks made upon them or any of them on account of religion, sovereignty, trade, or any other pretence whatever. The free inhabitants of the different states in this union to be entitled to all privileges and immunities of free citizens in the several states; and the people of each state to have free ingress and regress to and from any other state, and to enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively. Any person guilty of or charged with treason, felony, or other high misdemeanor in any state, fleeing from justice, and found in any of the United States, upon demand of the governor or executive power of the state from which he fled, to be delivered up and removed to the state having jurisdiction of his offence. For the more convenient management of the general interests of the United States, delegates to be annually appointed, in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November in every year, with a power reserved to each state to recall its delegates, or any of them, and to send others in their stead. No state to be represented in congress by less than two nor by more than seven members; and no person to be capable of being a delegate for more than three years in any term of six years; nor is any person, being a delegate, to be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind. In determining questions in congress, each state to have one vote. No state, without the consent of the United States in congress, to send an embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state. The

United States in congress assembled to have the sole and exclusive right and power of determining on peace and war, except in cases of actual or threatened invasion; of sending and receiving ambassadors; entering into treaties and alliances; of establishing rules for deciding, in all cases, what captures on land or water shall be legal; of granting letters of marque and reprisal; appointing courts for the trial of piracies and felonies committed on the high seas. The United States in congress to be the last resort on appeal in all disputes and differences between two or more states concerning boundary, jurisdiction, or any other cause whatever; also to have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; of fixing the standard of weights and measures throughout all the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the states; establishing and regulating post-offices from one state to another throughout all the United States; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the land and naval forces, and directing their operations. By the last article of the Confederation, every state to abide by the determination of the United States in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation to be inviolably observed by every state, and the union to be perpetual; no alteration at any time hereafter to be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

‡ The following circular letter to the states accompanied this system:—

"Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures. The business, equally intricate and important, has in its progress been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering diligence could not prevent.

The plan was considered by the legislatures of the several states in the winter of 1777-8, and by some was adopted without amendments, by others various amendments were proposed.

The effect produced on the British cabinet, and on the nation at large, by the intelligence of the surrender of General Burgoyne and his army, can scarcely be described. The most brilliant success had been anticipated; the most ignominious result had occurred. The pride of the nation was humbled, and those who had disapproved of the war poured upon the ministry a torrent of invective; while the embarrassments of the ministry were increased by the intelligence of the course which the hereditary enemy and rival of Great Britain had resolved to pursue. Under these circumstances, it was determined in the cabinet to grant to America all that she had demanded in the beginning of the contest. An act was passed, declaring that parliament would not, in future, impose any tax upon the colonies; and commissioners were sent over, authorized to proclaim a repeal of all the offensive statutes, and to treat with the constituted authorities of America. The commissioners, arriving at Philadelphia in the spring,

communicated to congress the terms offered by Great Britain, which were, however, unanimously rejected.*

In consequence of the treaties concluded with her revolted colonies, Great Britain declared war against France; and the ministry, presuming that assistance would be sent to the Americans, transmitted orders by the commissioners, that Philadelphia should be evacuated, and the royal troops concentrated at New York. The execution of these orders devolved upon Sir Henry Clinton, who had been appointed commander in chief on the resignation of General Howe. On the 18th of June the enemy quitted the city, and marched slowly eastward. Washington, leaving his huts in the forest, hung upon the rear of the British army, watching for a favourable opportunity to offer battle. On arriving at Monmouth, in New Jersey, General Lee, who had lately been exchanged, was ordered to take the command of five thousand men, and, early in the morning of the 28th, to commence an attack, being assured that he should be supported by the whole army. Lee made dispositions to attack accordingly, but perceiving the main body of the English returning to meet him, he began to retreat.

add weight and respect to our councils at home, and to our treaties abroad.

"In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people; and without it, we may soon be constrained to bid adieu to independence, to liberty, and safety; blessings which, from the justice of our cause, and the favour of our Almighty Creator, visibly manifested in our protection, we have reason to expect, if, in an humble dependance on his divine providence, we strenuously exert the means which are placed in our power. To conclude, if the legislature of any state shall not be assembled, congress recommend to the executive authority to convene it without delay; and to each respective legislature it is recommended to invest its delegates with competent powers ultimately, in the name and behalf of the state, to subscribe articles of confederation and perpetual union of the United States, and to attend congress for that purpose on or before the 10th day of March, 1778."

* The letter communicating the refusal was signed by the president; and it illustrates the character of congress, and the history of this year. "I have received the letter from your excellencies, dated the 9th instant, with the enclosures, and laid them before congress. Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his most Christian Majesty, the good and great ally of these states, or to consider propositions so derogatory to the honour of an independent nation. The acts of the British parliament, the commission from your sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great Britain, and are founded on the idea of dependance, which is utterly inadmissible. I am further directed to inform your excellencies, that congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will therefore be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgment of these states, or the withdrawing his fleets and armies."—*Journals of Congress*, vol. iv. p. 383.

"To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish. Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked, that, after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all, and as that alone which affords any tolerable prospect of general ratification. Permit us, then, earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties. Let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being for ever bound and connected together by ties the most intimate and indissoluble.

"And finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general confederacy.

"We have reason to regret the time which has elapsed in preparing this plan for consideration. With additional solicitude, we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

"More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and

Washington, advancing to render the promised support, saw him retiring, rode forward, and addressed him in language implying disapprobation of his conduct.* He then directed him to form his men on ground which he pointed out, and there oppose the progress of the enemy. A warm engagement ensued, and Washington, arriving with the main body of his army, compelled the British to fall back. The day had been intensely hot, and the troops were greatly fatigued,† yet General Washington resolved to renew the engagement; but there were so many impediments to be overcome, that before the attack could be commenced it was nearly dark. It was therefore thought most advisable to postpone further operations until morning, and the troops lay on their arms in the field of battle.‡ General Washington, who had been exceedingly active through the day, and entirely regardless of personal danger, reposed himself at night in his cloak, under a tree, in the midst of his soldiers. His intention of renewing the battle was, however, frustrated; the British troops marched away about midnight in such profound silence, that the most advanced posts knew nothing of their departure until morning. The American general, declining all further pursuit of the royal army, detached some light troops to attend its motions, and drew off his soldiers to the borders of the North River. Sir Henry Clinton, after remaining a few days on the high grounds of Middletown, proceeded to Sandy Hook, whence he passed his army over to New York.

The British having entered New York, Washington conducted his army to White Plains. Congress returned to Philadelphia; and in July received, with inexpressible joy, a letter from the Count D'Estaing, announcing his arrival on the coast of Virginia, with twelve sail of the line and six frigates, with about four thousand troops on board. The count had intended to surprise Admiral Howe in the Delaware, but adverse winds detained him on the passage, until the British fleet had sailed for New York. He appeared before that harbour, but on sounding, found that his largest ships could not pass the bar. By the advice of Washington, a combined attack upon the British forces at Newport, in Rhode Island, was resolved on. Gen.

Sullivan, who had been appointed to command the troops, called upon the militia of New England to aid him in the enterprise. His army soon amounted to ten thousand men, and, as he was supported by the fleet, he felt confident of success. On the 9th of August, he took a position on the north end of Rhode Island, and afterwards moved nearer to Newport. Admiral Howe having received a re-enforcement, now appeared before the harbour, and the count instantly put to sea to attack him. A furious storm, however, came on, which damaged and dispersed both fleets. As soon as the weather permitted, each commander sought the port from which he had sailed; but great was the disappointment of the Americans when D'Estaing announced his intention of proceeding to Boston to refit; they earnestly remonstrated, but the count was inflexible. Deserted by the fleet, the army could remain no longer with safety on the island. General Sullivan, therefore, immediately retreated to his first position. He was pursued and attacked by the enemy; but they were gallantly resisted and repulsed with loss. The next day the two armies cannonaded each other, and the succeeding night the American general, deceiving the enemy by a show of resistance to the last, made a skilful retreat to the continent. It was a remarkable escape. The delay of a single day would probably have been fatal to the Americans; for Sir Henry Clinton, who had been impeded by adverse winds, arrived with a re-enforcement of four thousand men the very next day, when a retreat, it is presumed, would have been impracticable.

At this period of the war, hostilities were carried on with more than usual acrimony. In several instances the British troops, and their allies, the Americans and native Indians, exhibited a barbarity deeply to be lamented, wantonly destroying the property and injuring the persons of peaceful unarmed inhabitants. While asleep in a barn at Tappan, Colonel Baylor's troop of light dragoons were surprised by General Grey, who commanded his soldiers to use the bayonet only, and to give the rebels no quarter. Incapable of defence, they sued for mercy; but the most pathetic supplications were

* Lee, irritable and proud, could not forget the manner in which Washington had addressed him, and in two passionate letters demanded reparation. A court-martial was instituted; he was found guilty of misconduct on the day of battle, and of disrespect to the commander in chief, and was suspended from command for one year. He never afterwards joined the army, but died in seclusion just before the close of the war.

† In consequence of heat and fatigue, fifty-nine British soldiers perished without a wound; and several of the American soldiers died through the same cause.

‡ The loss of the Americans in this battle was eight officers and

sixty-one privates killed, and about a hundred and sixty wounded. Among the slain, and much regretted, were Lieutenant-Colonel Bonner, of Pennsylvania, and Major Dickenson, of Virginia. The loss of the British army, in killed, wounded, and missing, is stated to have been three hundred and fifty-eight men, including officers. Among their slain was Lieutenant-Colonel Monckton, who was greatly and deservedly lamented. About a hundred were taken prisoners; and nearly a thousand soldiers, principally foreigners, many of whom had married in Philadelphia, deserted the British standard during the march.

heard without awakening compassion; nearly one half of the troop were killed. To many, repeated thrusts were barbarously given as long as signs of life remained; while some, who had nearly a dozen stabs through the body, and were left for dead, afterwards recovered. A few escaped, and forty were saved by the humanity of a British captain, who dared to disobey the orders of his general. With feelings of revenge yet more barbarous, Wyoming, a happy and flourishing settlement, on the eastern branch of the Susquehannah, in Pennsylvania, was attacked by a band of tories and Indians. The conditions of the capitulation were entirely disregarded by the British and savage forces, and after the fort was delivered up, all kinds of barbarities were committed by them. The village of Wilkesbarre, consisting of twenty-three houses, was burnt; men and their wives were separated from each other and carried into captivity; their property was plundered, and the settlement laid waste. The remainder of the inhabitants were driven from the valley, and compelled to proceed on foot sixty miles through the great swamp, almost without food or clothing. A number perished in the journey, principally women and children—some died of their wounds, others wandered from the path in search of food and were lost, and those who survived called the wilderness through which they passed "The Shades of Death," an appellation which it has since retained. Many other instances might be adduced; but it is better to suffer the record of them to perish.*

In the campaign of 1778, little on either side was accomplished. The alliance with France gave birth to expectations which events did not fulfil; but the presence of her fleets on the coast deranged the plans of the British; induced them to relinquish a part of their conquests; and prevented their making any progress in the accomplishment of their designs.

* We insert the following as an antidote to the feelings with which the "glory" of war is apt to inspire the breasts even of the generous and noble:—"A short distance below the battle ground, there is a large island in the river, called Monockonock Island. Several of the settlers, while the battle and pursuit continued, succeeded in swimming to this island, where they concealed themselves among the logs and brushwood upon it. Their arms had been thrown away in their flight, previous to their entering the river, so that they were in a manner defenceless. Two of them, in particular, were concealed near and in sight of each other. While in this situation, they observed several of the enemy, who had pursued and fired at them while they were swimming the river, preparing to follow them to the island with their guns. On reaching the island they immediately wiped their guns and loaded them. One of them, with his loaded gun, soon passed close by one of these men, who lay concealed from his view, and was immediately recognised by him to be the brother of his companion who was concealed near him, but who, being a tory, had joined the enemy. He passed slowly along, carefully examining every covert, and directly perceived his brother in his place of concealment. He suddenly

The close of this year was distinguished by a change of the theatre of war from the northern to the southern section of the confederacy. The country, weak by its scattered population, the multitude of slaves, and the number of tories, presented a prospect of easy victory. In the end of November, Lieutenant-Colonel Campbell, with two thousand five hundred men, sailed from New York to the coast of Georgia. Having landed his troops, he marched towards Savannah, the capital; and defeating a small body of Americans whom he met on his route, he immediately took possession of the city. After the fall of the capital, Sunbury surrendered at discretion; and these were the only military posts in Georgia.

The campaign of 1779 was opened by General Lincoln, who had been appointed to the command of the American troops in the southern department. In April, leaving South Carolina, he marched into the interior of Georgia; upon which the British army, entering the state he had left, invested Charleston, the capital. Lincoln hastened back to its defence; and on his approach, the British retired to Stono ferry, where an action was fought, and a few days afterwards they continued their retreat to Savannah. The heat of the season suspended further operations until September; when Count D'Estaing, with a fleet carrying six thousand troops, arrived on the coast. The two armies, in concert, laid siege to Savannah. At the expiration of a month, the count, impatient of delay, insisted that the siege should be abandoned, or that a combined assault upon the enemy's works should immediately be made. General Lincoln determined upon the latter course. Great gallantry was displayed by the French and American troops, but the British repulsed the assailants, killing and wounding nearly a thousand men,† while on their part the loss was small. The next day the

stopped and said, 'So it is you, is it?' His brother, finding that he was discovered, immediately came forward a few steps, and, falling on his knees, begged him to spare his life, promising to live with him and serve him, and even to be his slave as long as he lived, if he would only spare his life. 'All this is mighty good,' replied the savage-hearted brother of the supplicating man; 'but you are a d—d rebel;' and, deliberately presenting his rifle, shot him dead upon the spot. The other settler made his escape from the island, and having related this fact, the tory brother thought it prudent to accompany the British troops on their return to Canada."—History of Wyoming, p. 127.

† Count Pulaski was mortally wounded in this assault; and congress resolved that a monument should be erected to his memory. He was a Polishman of high birth, who, with a few men, had carried off King Stanislaus from the middle of his capital. The king, after being some time a prisoner, made his escape, and soon after declared Pulaski an outlaw. Thus proscribed, he came to America, and offered his service to congress, which honoured him with the rank of brigadier-general.

In September, 1779, the French fleet, under Count D'Estaing,

siege was raised, the French returning home, and the Americans to South Carolina.

The operations of the British in the more northern parts of America were predatory rather than military. In May, a naval and land force, commanded by Sir George Collier and General Matthews, made a descent on Virginia. On their arrival, they took possession of Portsmouth and of Norfolk; destroyed the houses, vessels, naval stores, and a large magazine of provisions, at Suffolk; made a similar destruction at Kemp's Landing, Shepherd's, Gosport, Tanner's Creek, and other places in the vicinity: and, after setting fire to the houses and other public buildings in the dockyard at Gosport, embarked with their booty for New York. A similar expedition was soon after undertaken from New York against Connecticut,

arrived on our coast, and General Lincoln marched to the relief of Savannah. The Georgia and South Carolina militia had orders to rendezvous in the neighbourhood. Before the arrival of General Lincoln, Count D'Estaing summoned the garrison at Savannah to surrender; but the British protracted the time, and with great exertions strengthened their works, under that accomplished engineer, Major Moncrieff; and at length bid the count defiance. Lincoln now arrived, and on the 4th of October the place was regularly besieged. Nine mortars and thirty-seven cannon from the land side, and fifteen pieces on the water side, were opened upon the city. But the French were impatient. The officers of D'Estaing's fleet insisted upon raising the siege, and taking the place by storm. No step could be more unadvisable. A short time, with the power brought to bear upon the besieged, would have forced a surrender at discretion. Lincoln remonstrated with the count, but the hot-headed young marine officers in the navy,—many of them belonging to distinguished families,—had great influence over the admiral, and brought him to decide on an attack.

On the 9th of October, at the dawn of the day, while two feints were made with the militia, a real attack was made by a gallant force of French and American troops. The French force consisted of three thousand five hundred, and the Americans of six hundred continentals, and three hundred and fifty citizens of Charleston. The gallant Frenchman at the head of his column, marched up to the lines, and Lincoln at the head of his troops, went *pari passu*. A tremendous fire from the British galleys threw the front of the column into confusion; not from fear, but from the difficulty of disposing of the dead and wounded, in order to fill up their places. The places being supplied, with desperate energy, the column marched on to a redoubt, where a conflict took place as fierce and close as ever was fought before the invention of gunpowder. The gate of the redoubt was most gallantly defended by Captain Fawse, who fell in the gate-way with his sword in the body of an assailant. They were lying side by side. This was the third the brave defender of the works had slain with his own hand. For an instant the French and American standards were seen in the smoke, floating on the parapet; but it was for a few moments only. The air was rent with acclamations; but the enemy's fire was too destructive; a retreat was ordered, after the combined armies had stood their ground for nearly an hour. The ground was heaped with the dead and the wounded. In this short time, nearly nine hundred of the allied armies were killed and wounded. The contest seemed to be, who would most readily dare to die. Six hundred and thirty-seven Frenchmen, and two hundred and forty-one Americans, were slain or wounded. The gallant D'Estaing was severely wounded; and mortified at the result, and at the loss of so many brave young officers, he embarked for some more fortunate shore. The militia soon scattered themselves without the consent of the general—they had seen too much of war. The Americans felt their losses most deeply, for among the slain fell the Polish count, Pulaski. He had about two hundred

by Governor Tryon, with two thousand six hundred land forces, supported by Brigadier-General Garth, and accompanied by Sir George Collier with armed vessels to cover the transports. Though checked in their march, they entered New Haven about one in the afternoon, from which time until eight in the evening the town was subjected to almost indiscriminate ravage and plunder. The royal army also plundered and burned the town of Fairfield, and the greatest part of the neighbouring village of Green Farms. A few days afterward they laid the town of Norwalk in ashes.

Early in the season, Colonel Clarke, of Virginia, who was stationed at Kaskaskia, on the Mississippi, achieved an enterprise conspicuous for boldness of design, and evincing uncommon hardihood in its

horse in the battle. He saw that desperation was the order of the day, and he started at full gallop to pass between the redoubts, and to charge the enemy in the rear, the most judicious movement of the day; but in executing it, he fell, mortally wounded, at the head of his column. The melancholy event spread a gloom over the whole army.

Joseph Pulaski Storasto, of Warka, was descended from a long line of illustrious ancestors. He received a first rate education in his own country, which was improved by foreign travel. He had prepared himself to serve his country as a judge, by making himself acquainted with the Justinian code; as a soldier, by making himself master of ancient and modern military tactics; as a statesman, by a free intercourse with the liberal of all countries, and by acquiring a deep knowledge of the laws of nations. Elevated by all that was noble in man, he mourned over the degraded state of his country, and resolved to see her free, if freedom was to be gained by any sacrifice that a patriot could make, of fortune, children, home, and life. He was a lover of his country's ancient fame, and deeply read in her history. He could not bear the thought of seeing her throne filled by a minion of the Semiramis of the North,—a wolf prowling for prey among surrounding nations, and making them feel her power from the Caspian to the Baltic, and from Kamschatka to Constantinople.

Stung by his country's wrongs, he flew to arms, and for several years, by the weight of his character, and the energies of his mind, he stemmed the torrent of corruption, and thus checked the progress of the arms of Russia, from 1768 to 1771. With a small army, he contended with a large one; with a few patriotic followers, he hewed down myriads of the instruments of despotic power. He revived, after a defeat, with almost miraculous suddenness; and when his enemies thought him for ever subdued, he came upon them like a bolt of lightning! He dispersed the wicked with a look, and brought together the virtuous by a smile. Avarice stood abashed at his sacrifices of property, and selfishness could not reach the elevation and purity of his motives. There were men who thought him ambitious, and that he aspired to the direction of the affairs of Poland; but they could not fathom the depth of his mind, nor measure the expansion of his soul! A weak and timid monarch charged him with attempts on his life, when his only object was to secure his person for a season, in order to make better terms for those who had incurred the royal displeasure. He formed himself on no recent models—the heroes of antiquity filled his mind. The justice of Aristides, the patriotism and martial character of Epaminondas, were for ever before him. Born to affluence, he only used his riches for the purpose of doing good; and he valued power, hereditary and acquired, only as an instrument of making others happy. The cause of liberty was his cause, wherever found; he was ordained, in early life, as a priest at her altar; and it was the decree of heaven that he should die a martyr in her cause!—*American Editor.*

execution. With only one hundred and thirty men, he penetrated through the wilderness to St. Vincent's, a British post on the Wabash, in the heart of the Indian country. His route lay across deep swamps and morasses; and in one instance the party waded through water, often as high as the breast, for nearly five miles. After a march of sixteen days, they reached the town, which, having no intimation of their approach, surrendered without resistance; and a short time after, the fort capitulated. This fortunate achievement arrested an expedition which the enemy had projected against the frontiers of Virginia, and detached several tribes of Indians from the British interest.

Congress, though its measures toward the Indians were conciliatory, could not secure the western frontiers. The Six Nations had been advised by that body, and had promised, to observe a neutrality in the war; but, excepting the Oneidas, and a few others who were friendly to the Americans, those Indians took a decided part against them. The presents and promises of Sir John Johnson and other British agents, with the desire of plunder, induced them to invade the frontiers; and wherever they went, they carried slaughter and devastation. An expedition was therefore ordered against them, and General Sullivan, to whom the conduct of it was intrusted, marched into their country. The Indians, on hearing of the projected expedition, collected their strength, took possession of proper ground, and fortified it with judgment. General Sullivan attacked them in their works, and they sustained a cannonade more than two hours; but they then gave way, and, after their trenches were forced, they fled with precipitation. The victorious army, penetrating into the heart of their country, laid it desolate. Their villages, their detached habitations, their corn fields, their fruit trees and gardens, were indiscriminately destroyed.

The campaign of this year, though barren in important events, was distinguished by one gallant enterprise, which reflected much honour on the American arms. Stony Point, a fortress on the North River, had been taken from the Americans, and strongly fortified by the British. It was at this time garrisoned by about six hundred men, under the command of Lieutenant-Colonel Johnson. General Washington, having obtained precise information of the condition of the works, the nature of the ground in their vicinity, the strength and arrangements of the garrison, and the disposition of the guards, and having in person reconnoitred the post, resolved to attempt the surprise of it. The execution of the

plan was intrusted to General Wayne, and the troops employed on this service were chiefly from New England. At half past eleven on the night of the 15th of July, the columns moved on to the charge at opposite points of the works, the van of each with unloaded muskets and fixed bayonets; and at twenty minutes after twelve, both columns rushed forward under a tremendous fire of musketry and grape-shot, entered the works at the point of the bayonet, and, arriving in the centre of them at nearly the same instant, compelled the garrison to surrender at discretion. A more gallant exploit has seldom been performed, and the humanity of the victors was equal to their valour. Notwithstanding the devastations in Connecticut, and the butchery of Baylor's troop, the scene of which was near, not an individual suffered after resistance had ceased.

On the approach of the inclement season, the American army built themselves huts for winter quarters. Positions were chosen most favourable for the defence of the most important posts, and for covering the country. The army was formed into two divisions; one of these erected huts near West Point, and the other at Morristown, in New Jersey. The head quarters of the commander in chief were with the last division. Great distress was felt this winter on account of the deranged state of the American finances. General Greene and Colonel Wadsworth, gentlemen in every respect qualified for the duties of their respective stations, were yet at the head of the quarter-master and commissary departments, but the credit of the country was fallen; they had not the means to make prompt payment for articles of supply; and they found it impossible to lay up large magazines of provisions, and extremely difficult to obtain supplies to satisfy the temporary wants of the army. Large sums had been annually raised and expended, and the ability of the people to pay taxes had progressively decreased. To supply deficiencies, paper money, to the amount of about a hundred and fifty millions of dollars, had been issued; but this was depreciated, and at the close of 1779, thirty dollars in paper were of no more value than one in specie. To purchase provisions with this money was therefore first difficult, and then impossible, and congress now found their funds and their credit exhausted. Before the month of January expired, the soldiers were put upon allowance, and before its close the whole stock of provision in store was exhausted, and there was neither meat nor flour to be distributed to the troops. To prevent the dissolution of the army, the commander in chief was reluctantly driven to very vigorous measures: he ap-

portioned to each county in the state of New Jersey a quantity of meat and flour, according to the ability of each, to be brought into camp in the course of six days. At the same time he wrote to the magistrates, stating the absolute necessity of the measure, and informing them, that unless the inhabitants voluntarily complied with the requisition, the exigency of the case would force him to obtain it by military exaction. To the honour of the inhabitants of New Jersey, harassed as their country had been, the full quantity of provisions required was cheerfully and seasonably afforded.

CHAPTER II.

FROM THE CAMPAIGN OF 1780 TO THE TERMINATION OF THE WAR OF THE REVOLUTION.

DURING the year 1780, the contest between Great Britain and her ancient colonies was carried on chiefly in the southern states. As soon as Sir Henry Clinton ascertained that Count D'Estaing had left the American coast, he hastened to despatch an expedition against South Carolina, leaving the garrison at New York under the command of General Knyphausen. Early in February the troops landed within thirty miles of the capital. Governor Rutledge, to whom the assembly of South Carolina had recently given extraordinary powers, ordered the militia to rendezvous, but the repulse at Savannah, at the close of the preceding campaign, had produced such a dispiriting effect, that but few complied. The defences of Charleston consisted of a chain of redoubts, lines, and batteries, extending from Ashley to Cooper river, on which were mounted upwards of eighty pieces of artillery, and on all sides of the town where a landing was practicable, batteries were erected and covered with artillery. General Lincoln, trusting to these defences, and expecting large re-enforcements, remained in Charleston at the earnest request of the inhabitants, and, with the force under his command, resolved to defend the place. On the 21st of March the British fleet crossed the bar, and anchored in Five Fathom Hole. Commodore Whipple, who commanded the American vessels, finding it impracticable to prevent the enemy from passing over the bar, fell back to Fort Moultrie, and afterwards to Charleston. In a few days the town was invested by sea and land,

and the British commanders summoned General Lincoln to surrender; the demand was, however, met with a firm refusal. The batteries of the first parallel were now opened upon the town, and soon made a visible impression; and to prevent the reception of the re-enforcements which General Lincoln expected, Sir H. Clinton detached Lieutenant-colonel Webster, with fourteen hundred men, by the advanced guard of which detachment, the American cavalry, with the militia attached to them, were surprised in the night of the 14th of April, and completely routed and dispersed. The British now extended themselves to the eastward of Cooper river; and about this time Sir Henry Clinton received a re-enforcement of three thousand men from New York. The garrison having no reasonable hope of effecting a retreat, an offer was made of surrendering the town; but the proposed conditions were rejected by the British commanders. The besiegers in the mean time were daily advancing their works, and had now completed their third parallel; the garrison of Fort Moultrie surrendered; and the broken remains of the American cavalry under Colonel White were again surprised by Colonel Tarleton, and the whole either killed, taken, or dispersed. Sir Henry Clinton, thus successful in every operation, renewed his former offers to the garrison in case of their surrender; but the terms, so far as they respected the citizens, not being satisfactory, hostilities recommenced. The batteries of the third parallel now opened on the town, and did great execution; several houses were burned; numbers of the besieged were killed at their guns; and the British prepared to make a general assault by land and water. At length a great number of citizens of Charleston addressed General Lincoln in a petition, requesting his acceptance of the terms which had been previously offered. A capitulation was consequently signed on the 12th of May, and the next day Major-General Leslie took possession of the town.*

The capital having surrendered, measures were adopted to overawe the inhabitants of the country, and induce them to return to their allegiance to the king. Garrisons were placed in different parts of the state, and two thousand men were despatched towards North Carolina, to repel several parties of militia, who were hastening to the relief of Charleston. Colonel Tarleton, making a rapid march of a hundred and five miles in fifty-four hours, met, at

* By the articles of capitulation, the garrison were to march out of the town, and to deposit their arms in front of the works; but the drums were not to beat a British march, nor the colours to be uncased. The continental troops and seamen were to keep their baggage, and remain prisoners of war until exchanged. The mili-

tia were to be permitted to return home as prisoners on parole; and, while they should adhere to their parole, were not to be molested by the British troops, in person or property. The inhabitants of all conditions were to be considered as prisoners on parole, and to hold their property on the same terms with the militia.

the Waxhaws, and attacked one of these parties, commanded by Colonel Buford. The Americans, being defeated by his superior forces, implored quarter; but nearly the whole of them were either killed or too badly wounded to be removed from the field. This sanguinary conduct spread dismay throughout the country, and imparted a similar character to future conflicts.

Indignant at the treatment they received, great numbers of the inhabitants seized their arms, and resolved on a vindictive war with their invaders. A party who had taken refuge in North Carolina, chose Colonel Sumpter their leader. At the head of these he returned to his own state, attacked and defeated several scattered detachments from the British army; and by a succession of gallant enterprises he kept alive a spirit of determined hostility to Great Britain in every part of the state. His exertions were rendered the more effective by the approach of four thousand men, principally continentals, under the command of General Gates. Lord Cornwallis, whom Sir Henry Clinton, on his return to New York, had left chief in command, hastened to oppose the conqueror of Burgoyne. On the night of the 15th of August, he marched, with his whole force, to attack the Americans in their camp at Clermont. They at the same hour began to move towards Camden, where Lord Cornwallis had his head-quarters. As the two armies were marching on the same road, in opposite directions, their advanced guards met and fired on each other about half-past two in the morning. From some prisoners made on both sides, the commanders learned each other's movements. Both armies halted, and were formed, and the firing soon ceased, as if by mutual consent. The ground on which the two armies thus accidentally met, was exceedingly favourable to Lord Cornwallis. A swamp on each side secured his flanks, and narrowed the ground in front, so as to render the superiority of the Americans in numbers of less consequence. In the morning a severe and general action was fought. The charge of the British was made with such vigour, that the Virginia militia threw down their arms, and fled with the utmost precipitation; and the greatest part of the North Carolina militia soon followed their example. The American reserve was now brought into action, and General Gates, in conjunction with General Caswell, endeavoured to rally the militia at advantageous passes in the rear of the field of action, but in vain. On the left and in the centre the contest was more obstinately maintained by the Americans, whose artillery did considerable execution; but by the flight of the militia

their left flank was exposed, and the continentals after a brave resistance of nearly three quarters of an hour, were thrown into confusion, and forced to give way. The Americans lost the whole of their artillery, the greatest part of their baggage, several hundred men, and some very valuable officers; the loss of the British was also severe.

Sumpter, who had lately been victorious in a skirmish, retreated precipitately on hearing of the defeat of Gates; but supposing he was beyond danger, he halted at the Catawba ford to refresh his troops. Here his sentinels unhappily slept at their posts, and Tarleton's legion rode into his camp before preparations could be made for defence. Between three and four hundred were killed or wounded. The remainder were dispersed in the woods, three hundred British prisoners were released, and all the baggage and stores fell into the power of the victors.

Apprehending the state to be subdued, Cornwallis adopted measures of extreme severity to suppress every latent inclination to revolt. He directed that all who, having once submitted, had lately given aid to the armies of congress, should be deprived of their property and imprisoned; and that all who had once borne arms with the British, and afterwards joined the Americans, should suffer death. In consequence of these orders, several were executed, and many were reduced to poverty and wretchedness. In these times of confusion and distress, the mischievous effects of slavery in facilitating the conquest of the country became apparent. As the slaves had no interest at stake, the subjugation of the state was a matter of no consequence to them. Instead of aiding in its defence, they, by a variety of means, threw the weight of their influence into the opposite scale.

Although his corps had been dispersed, General Sumpter speedily re-collected a band of volunteers, and kept the field in South Carolina for three months, when there was no continental army in the state. Varying his position along the Evoree, Broad, and Tyger rivers, he had frequent skirmishes with the enemy, whom he incessantly harassed. In November he was attacked at Broad river by Major Wemys, commanding a corps of infantry and dragoons, but the British were defeated, and their commanding officer taken prisoner; and in a few days afterward he was attacked near Tyger river by Colonel Tarleton, who finding himself unable to dislodge the Americans, retreated with considerable loss, and left Sumpter in possession of the field. The zeal, activity, and bravery of this officer, at that trying period, procured him the thanks of congress and the applause of his country.

While the affairs of the south were in a state by no means encouraging to the cause of independence, the general army under the command of Washington was in a state of insufferable destitution, and of consequent mutiny. Two hundred millions of dollars in paper currency were at this time in circulation upon the credit of the United States. Congress had the preceding year solemnly pledged the faith of government not to issue more than this sum, and the national treasury was now empty. Congress, the head of the nation, had, therefore, no further command of the resources of the country. The power of taxation, and of every coercive measure of government, was vested in the state sovereignties, and a system which in its execution required the conjoint agency of thirteen sovereignties, was too complex for the prompt operations of a military body. In the course of the winter forage had failed, and

* Destitute of arms and ammunition, without a single ship of war, and without the means of procuring them, no resource was left, to enable them to resist the mighty force brought against them, but a paper medium.

During the year 1775, bills of credit, to the amount of three millions of dollars, were issued by congress, in addition to those issued by some of the individual states. By new emissions, at different times, this sum was increased at the close of the year 1778, to more than one hundred millions.

From the peculiar situation of the United States, without commerce, the union incomplete, the state governments imperfectly organized, congress deemed it imprudent to call for taxes, until November, 1777. At this time, they recommended to the several states, to raise by taxes, the sum of five millions of dollars, for the succeeding year. This sum was apportioned among the states, having reference, generally, to the supposed number of inhabitants in each. [To New Hampshire, 200,000; Massachusetts, 820,000; Rhode Island, 100,000; Connecticut, 600,000; New York, 200,000; New Jersey, 270,000; Pennsylvania, 620,000; Delaware, 60,000; Maryland, 520,000; Virginia, 800,000; North Carolina, 250,000; South Carolina, 500,000; Georgia, 60,000.] The sums so apportioned, however, were not to be considered as the final quota of any state; but the amount paid by each, was to be placed to its credit, bearing an interest of six per cent. from the time of payment, until the quotas should be finally adjusted, agreeably to the confederation, to be adopted and ratified by the states. If, on such adjustment, any state had paid more than its quota, it was to receive interest on the surplus; if less, then to pay interest on the deficiency, until, by a future tax, such surplus or deficiency should be adjusted.

Depreciation of this paper was the natural consequence of such large emissions. This was seriously felt, in the beginning of 1777; and to provide a remedy, congress, in January of that year, made it a tender in payment of all public and private debts; and a refusal to receive it, was declared to be an extinguishment of the debt itself. And they thought proper to declare, that whoever should refuse to receive it, in exchange for any property, as gold and silver, should be deemed an enemy to his country. They, at the same time, resorted to the extraordinary expedient of regulating the prices of all articles necessary for the army; and if any persons refused to sell the surplus of what was wanted for the annual support of their families, the purchasing commissaries were authorized to take such surplus at the prices so fixed.

These extraordinary measures tended to increase rather than diminish the evil. The bills still continued to depreciate rapidly, and some more effectual remedy than tender and regulating laws, was necessary. In 1779, congress attempted to establish a fund for sinking the bills then in circulation, by calling on the states to

many of the horses attached to the army had died, or were rendered unfit for use. General Washington therefore struggled with almost insuperable difficulties in supplying the army. The pay of the officers also had now scarcely more than a nominal value; and the officers of whole lines belonging to some of the states, in a body, gave notice, that on a certain day they should resign their commissions, unless provision was made for their honourable support. Congress possessed not the means to apply adequate remedies to these threatening evils. They passed a resolution, indeed, "That congress will make good to the line of the army, and to the independent corps thereof, the deficiencies of their original pay, which had been occasioned by the depreciation of the continental currency;"* but the promise of future compensation from a country whose neglect was conceived to be the source of all their sufferings, they deem-

pay their quotas of fifteen millions of dollars for that year, and six millions annually for the eighteen succeeding years.

These calls upon the states were made in vain; little was paid into the public treasury; and new bills were issued, which swelled the amount in September, 1779, to one hundred and sixty millions. At this time, congress thought it necessary to declare, that the issues, on no account, should exceed two hundred millions. Nor did they then despair of their ultimate redemption at par. In a circular address to their constituents, they, with apparent sincerity and zeal, endeavoured to prove, that the United States had the ability, as well as disposition, eventually to redeem their bills. After stating the probable future resources of the country, from an increase of population, a vast increase of agricultural productions, the avails of the western lands, &c., they say, "whoever examines the force of these and similar observations, must smile at the ignorance of those, who doubt the ability of the United States to redeem the bills." They indignantly repelled the idea of a violation of the plighted faith of the nation.

"The pride of America," they observed, "revolts at the idea; her citizens know for what purpose these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession, and every man is interested in their being redeemed; they must therefore entertain a high opinion of American credulity, who suppose the people capable of believing, on due reflection, that all America will, against the faith, the honour, and the interest of all America, be ever prevailed upon to countenance, support, or permit so ruinous, so disgraceful a measure."

While every one must applaud the spirit of these observations, few, we believe, will not regret to find in the same address, remarks on the supposed advantages of paper money, calculated to make them doubt, at least, whether congress were not trifling with the public, on so interesting and important a subject.

"Let it be remembered," they remarked, "that paper money is the only kind of money which cannot 'make unto itself wings and fly away.' It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it."

The continued failures of the states to comply with the requisitions made upon them, and the increasing wants of the country, increased the issues (notwithstanding the resolution of congress to the contrary) to more than three hundred millions; and the idea of redeeming the bills at their nominal value, was at length abandoned. In March, 1780, the states were required to bring them in at forty for one. The bills, when brought in, were to be cancelled, and new ones to issue in lieu of them, not exceeding one twentieth part of their nominal amount. The new bills were to be redeemable in six years, to bear an interest of five per cent., to be

ed a feeble basis of dependance, at the moment they were severely pressed by privations of every kind. Murmurs at length broke out into actual mutiny. Two of the Connecticut regiments paraded under arms, announcing their intention to return home, or by their arms to obtain subsistence; but by the spirited and prudent exertions of the officers, the ringleaders were secured, and the regiments brought back to their duty.

This disaffection was reported to New York, with the customary exaggerations of rumour. General Knyphausen, the commanding officer at that post, supposing the American citizens and soldiers ripe for revolt, passed over into New Jersey with five thousand men, to avail himself of favourable events; but the behaviour of the Americans soon convinced him he had been deceived in the report of their disaffected disposition. The troops detached from the army to oppose his progress fought with obstinate bravery; and the inhabitants, seizing their arms with alacrity, emulated the spirit and persevering courage of the regular soldier. The general, finding he must encounter serious opposition, retreated to Elizabeth Point, opposite to Staten Island. In the mean time, Sir Henry Clinton, returning with his victorious troops from Charleston, ordered a re-enforcement to Knyphausen, who, with the whole body, advanced a second time towards Springfield. The British were now opposed by General Greene with a considerable body of continental troops, and a severe action was fought, but the Americans were forced, by superior numbers, to retire. General Greene took post with his troops on a range of hills, in the hope of being attacked; but the British, having burned the town, retreated, and the next day set out on their return to New York.

Late in the spring the Marquis La Fayette returned from France with the pleasing intelligence that

issued on the credit of the individual states, and their payment guarantied by the United States.

The new system of finance was equally unavailing. The old bills were not brought in, and of course few new ones issued. The general treasury was empty, the army without pay or clothing, and often without provisions. The states were called upon for supplies in specific articles. To keep the army together, congress were obliged to raise money, by drawing bills on their ministers in Europe, without any assurance of their payment.

The continental bills, at last, became of so little value, that they ceased to circulate; and in the course of the year 1780, quietly died in the hands of the possessors.

In addition to this, the campaign of 1780 was unfortunate for America. The cities of Charleston and Savannah were taken, and the states of South Carolina and Georgia were in possession of the enemy. In this situation, congress had no other means of providing for the next campaign, but foreign loans. To obtain these, they, on the 22d of November, addressed a letter to their ally, the king of France, stating their embarrassments, and declaring that a foreign loan of at least twenty-five millions of livres,

his government had resolved to assist the United States, by employing this year a respectable land and naval force in America. This grateful information reanimated the public mind, and gave a new stimulus to the activity of congress, and of the governments of the several states, that preparation might be made to co-operate with the French armament on its arrival. Vigorous measures were in consequence adopted by congress and by the states to recruit the army, to lay up magazines, and to enable their general to comply with the reasonable expectations of their allies; but the agency of different bodies was necessary to carry these public measures into effect, and their operation was dilatory.

Early in July the first division of French troops reached the American shore, consisting of between five and six thousand men, with a large train of battering and field artillery. These forces were commanded by Count de Rochambeau, whose government had placed him under the command of General Washington. The count brought information that a second division would follow him as soon as transports could be fitted out to bring them. The principal French and American officers assiduously cultivated a mutual affection between the two armies; and the commander in chief recommended to the officers of the United States to engraft on the American cockade a white relief, as an emblem of the alliance of the two powers. On the arrival of the French, the Americans were unprepared to act with them, nor did the American general know what force would ultimately be brought into the field; and before any thing could be effected, information was brought that the second armament destined for America was blocked up in the harbour of Brest, and would not this season reach the American continent. The flattering prospect of terminating the war by the conquest of the British posts in a moment

was indispensably necessary for a vigorous prosecution of the war. Dr. Franklin was specially instructed, "to employ his unremitted and utmost abilities" to procure the aids required. At no time since the campaign of 1776, had the affairs of the United States worn so gloomy an aspect, as at the close of this year. General Washington, in a circular letter to the governors of the states, in October, says, "our finances are in an alarming state of derangement. The public credit is almost arrived at its last stage. The people begin to be dissatisfied with the feeble mode of conducting the war, and with the ineffectual burdens imposed on them, which, though light in comparison with what other nations feel, are, from their novelty, heavy to them. They lose their confidence in government apace."

The absolute necessity of obtaining foreign loans, induced congress, in December, 1780, to send a special minister to France. Colonel John Laurens, one of the aids of General Washington, and son of Henry Laurens, then a prisoner in the tower of London, was selected for this important mission.—Pitkin's Political and Civil History, vol. ii. p. 154—158.

vanished, and elevated views of brilliant success were succeeded by grievous disappointment.

In this season of difficulty, of embarrassment, and of gloom, a circumstance occurred which excited the deepest interest throughout both armies, and indeed in the breast of the inhabitants of all the states. The American army was stationed in the strongholds of the high lands on both sides of the North River; and for the defence of this position, and to keep command of the river, a fortress had been built at West Point, which was deemed impregnable, and had acquired the appellation of the Gibraltar of America. Of this post General Arnold solicited the command, and General Washington, far from suspecting any sinister views in an officer who had been so zealous and active in the cause of his country, complied with the solicitation. Arnold had, however, no sooner become invested with the command, than he carried on a negotiation with Sir Henry Clinton, by which it was agreed, that he should make such a disposition of his forces, as would enable the British general effectually to surprise West Point. The agent employed in this negotiation was Major Andre, adjutant-general of the British army; and to favour the communications, the *Vulture*, a British sloop of war, had been previously stationed in North River, as near Arnold's posts as could be without exciting suspicion. On the night of the 21st of September, a boat was sent from the shore to fetch Major Andre, and Arnold met him at the beach, without the posts of both armies. Their business not being finished until it was too near morning for Andre to return to the *Vulture*, Arnold, telling him he must be concealed until the next night, conducted him within one of the American posts, where he continued with him the following day. The *Vulture* having in the mean

time been compelled to alter her position, Andre could return to New York in no other way than by land; changing his uniform, therefore, which he had worn under a surtout, for a plain dress, he set out on horseback, under the name of John Anderson, with a passport, signed by Arnold, "to go to the lines of White Plains, or lower if he thought proper, he being on public business." When advanced a great part of the way, he was stopped by three of the New York militia, and several papers, containing exact returns of the state of the forces, ordnance, and defences at West Point, were found in his boots. The captors, disdaining a proffered bribe of a purse of gold, and permanent provision and promotion, on condition of their conveying and accompanying him to New York, delivered him a prisoner to Lieutenant-Colonel Jameson, who commanded the out-posts. Andre, with the incautious permission of Jameson, procured a letter to be sent to Arnold, informing him of his detention, which gave the traitor opportunity to escape on board the *Vulture*,* in which he reached New York in safety. At this very hour Washington arrived, on his return from a conference with the French general at Hartford. He repaired, without delay, to the fort of West Point, where, however, he could learn nothing of a decisive import. But some orders, issued by Arnold the day before, redoubled his suspicions; he returned to the quarters of the general, and at this instant Jameson's messenger presented himself, and delivered the packet with which he was charged. Washington seemed for the moment overwhelmed by the discovery of a crime which ruined the fame of an American general, and wounded the honour of the American army. Those who were near him anxiously interrogated his looks in silence, which he broke by saying, "I thought

* General Arnold early and warmly embraced the American cause. His enterprising spirit, his invincible fortitude, his heroic and persevering ardour in battle, had exalted his military character in his own country and in Europe. Being incapacitated for the duties of the field by the wounds he received before Quebec and at Saratoga, he was appointed commandant in Philadelphia when the British evacuated that city. In this flattering command, he adopted a style of living above his means, and soon found himself loaded with debt. To relieve himself he entered into various schemes of speculation, and was unsuccessful in all. Hollow at heart, he had recourse to fraud and peculation. These practices rendered him odious to the citizens, and gave offence to government. At length, formal complaints were lodged against him, and congress ordered his trial by a court-martial. By this court he was found guilty, and sentenced to be reprimanded by the commander in chief. The sentence was approved by congress, and carried into execution by General Washington. In the gold that was to reward his treason, Arnold expected relief from his pecuniary embarrassments; and his implacable spirit sought its revenge of his country by betraying into the hand of her enemy the Gibraltar of America. Upon his establishment in the army of Great Britain, he found it necessary to make some exertions to secure the attachment of his new friends. With the hope of alluring many of the discontented to his standard,

he published an address to the inhabitants of America, in which he endeavoured to justify his conduct. This was followed by a proclamation, addressed "to the officers and soldiers of the continental army, who have the real interest of their country at heart, and who are determined to be no longer the tools and dupes of congress and of France." These proclamations did not produce the effect designed; and in all the hardships, sufferings, and irritations of the war, Arnold remains the solitary instance of an American officer who abandoned the side first embraced in the contest, and turned his sword upon his former companions in arms. He survived the war but to drag on, in perpetual banishment from his native country, a dishonourable life. He transmitted to his children a name of hateful celebrity. He obtained only a part of the debasing stipend of an abortive treason, and his complaints soon caused it to be known, that all the promises by which he had been inveigled were not fulfilled. He enjoyed, however, the rank of brigadier-general, but the officers of the British army manifested a strong repugnance to serve with him. He possessed their esteem while he fought against them; they loaded him with contempt when treason brought him over to their side. He resided principally in England after the conclusion of the war, and died on the 14th of June, 1801.

that an officer of courage and ability, who had often shed his blood for his country, was entitled to confidence, and I gave him mine. I am convinced now, and for the rest of my life, that we should never trust those who are wanting in probity, whatever abilities they may possess. Arnold has betrayed us." Meanwhile, the precautions required by the occasion were every where taken. General Heath, a faithful and vigilant officer, was substituted for Arnold at West Point; the commanders of the other posts were admonished to be on their guard; Greene, who had been invested with the command of the army during the absence of Washington, recalled within the forts the garrisons which the traitor had dispersed, and marched a strong division near to the lines. General Washington referred the case of Andre to the examination and decision of a board, consisting of fourteen officers, who founded their report on his own statements; they reported it as their unanimous opinion, "that Major Andre ought to be considered as a spy, and that, agreeably to the laws and usages of nations, he should suffer death;" and he was, in accordance with their sentence, hung as a spy.*

When the winter of 1780 commenced, the troops of the northern army retired to the quarters which they had last occupied. Again they endured distress at which patriotism feels indignant and humanity weeps. The harvest had been abundant; plenty reigned in the land, while want was still felt in the camp of its defenders. Lassitude had succeeded enthusiasm, in the breasts of the people, and congress exerted its powers with too little vigour to draw forth the resources of the country. The soldiers of the Pennsylvania line stationed at Morristown, New Jersey, complained that, in addition to sustaining sufferings common to all, they were retained in service contrary to the terms of their enlistments. In the night of the 1st of January, thirteen hundred, on a concerted signal, paraded under arms, and declared their intention of marching to Philadelphia, and demanding of congress a redress of their grievances. The officers strove to compel them to relinquish their

purpose. In the attempt, one was killed, and several were wounded. General Wayne presented his pistols, as if intending to fire. They held their bayonets to his breast; "We love and respect you," said they; "but if you fire you are a dead man. We are not going to the enemy. On the contrary, if they were now to come out, you should see us fight under your orders with as much alacrity as ever. But we will be amused no longer; we are determined to obtain what is our just due." They elected temporary officers, and moved off in a body towards Princeton. General Wayne, to prevent them from plundering the inhabitants, forwarded provisions for their use. The next day he followed, and requested them to appoint a man from each regiment, to state to him their complaints; a conference was accordingly held, but he refused to comply with their demands. They then proceeded in good order to Princeton, where three emissaries from Sir Henry Clinton met them, and made liberal offers to entice them from the service of congress. The offers were indignantly rejected, and the emissaries seized and executed as spies. Here they were also met by a committee of congress, and a deputation from the state of Pennsylvania; and the latter, granting a part of their demands, succeeded in persuading them to return to their duty. This mutiny, and another in the Jersey line, which was instantly suppressed, aroused the attention of the states to the miserable condition of their troops. The amount of three months' pay was raised and forwarded to them in specie; it was received with joy, as affording an evidence that their country was not unmindful of their sufferings.

The year on which we now enter decided the important contest, which engaged the attention of Europe and of all the civilized world, in favour of liberty, and, we must add, of justice. The boon of independence was not, however, gained without adding to the long list of widows and orphans, nor without augmenting the catalogue of cruelties more horrid than those of the Indian tribes, because perpetrated by those who had no accumulated antipathy

* The general officers who reported his case lamented the necessity they were under to advise that as a spy he should be hung, and the heart of General Washington was wrung with anguish when he signed his death warrant. But the fatal wound that would have been inflicted on the country had Arnold's treason succeeded, made the sacrifice necessary for the public safety. The American officers universally discovered a sympathy for the unfortunate sufferer, and the sensibility of the public was greatly excited on the occasion. His character is thus beautifully painted by the late General Hamilton, who without envy might have contemplated his eminent qualities, for they were not equal to his own. "There was something singularly interesting in the character of Andre. To an excellent understanding, well improved by education and travel, he united a peculiar elegance of mind and manners, and the advantages of a pleasing person. It is said that he possessed a

pretty taste for the fine arts, and had himself attained some proficiency in poetry, music, and painting. His knowledge appeared without ostentation, and embellished by a diffidence that rarely accompanies so many talents and accomplishments, which left you to suppose more than appeared. His sentiments were elevated, and inspired esteem,—they had a softness that conciliated affection. His elocution was handsome, his address easy, polite, and insinuating. By his merit he had acquired the unlimited confidence of his general, and was making rapid progress in military rank and reputation. But in the height of his career, flushed with new hopes from the execution of a project the most beneficial to his party that could be devised, he is at once precipitated from the summit of prosperity, sees all the expectations of his ambition blasted, and himself ruined." A handsome monument is erected of his memory in Westminster Abbey.

of ages to palliate their hostility, but who only yesterday were friends and brothers. The inhabitants of the Carolinas endured calamity and distress from which humanity revolts. About equally divided in political sentiments, village was opposed to village, and neighbour to neighbour; and their hostility became embittered by attack and reprisal, until pillage, burning, and murder, became familiar to all.* Each party aimed at the extirpation of the other, and the whole country presented a scene of slaughter and of blood. Justice compels the record that the American generals seized every occasion to discountenance such vindictive and barbarous conduct, while, with few exceptions, the British permitted and even accelerated their perpetration.

The reduction of Savannah and Charleston, encouraged the British to a vigorous invasion of North Carolina. The whole army of General Greene, which had at the close of last year advanced from Hillsborough to Charlottetown, consisted of about two thousand men, more than half of whom were militia. With this inconsiderable body of troops, miserably provided, General Greene took the field against a superior regular force, which had already marched in triumph two hundred miles from the point of its debarkation. Soon after Greene took the command, he divided his force, and sent General Morgan with a respectable detachment to the western extremity of South Carolina, where the tories were destroying the whigs without mercy, and without restraint, and marched with the main body to Hick's Creek, on the north side of the Pedee. On the entrance of General Morgan into the district of Ninety-Six, Lord Cornwallis, who was preparing for the invasion of North Carolina, that he might not leave an

enemy in his rear, ordered Colonel Tarleton to proceed with about eleven hundred men, and drive him from his position. Tarleton had two field pieces, and a superiority both of infantry and cavalry. With these advantages, he engaged Morgan at the Cowpens, near Pacolet river, on the 17th of January. The British, led to the attack by Tarleton himself, advanced with a shout, and poured in an incessant fire of musketry. The American militia, though they received the charge with firmness, were soon compelled to fall back in the rear of their second line; and this line, in its turn, after an obstinate conflict, was compelled to retreat to the cavalry. At this juncture Lieutenant-Colonel Washington made a successful charge on Captain Ogilvie, who, with about forty dragoons, was cutting down the retreating militia; Lieutenant-Colonel Howard almost at the same moment rallied the continental troops and charged with fixed bayonets, and the militia instantly followed the example. By these sudden and unexpected charges, the British, who had considered the fate of the day decided, were thrown into confusion, and driven from the ground with great slaughter. Howard and Washington pressed the advantage which they had respectively gained, until the artillery and a great part of the infantry had surrendered.† Seldom has a victory, achieved by so small a number, been so important in its consequences. It deprived Cornwallis of one fifth of his force, and disconcerted his plans for the reduction of North Carolina. He sought, however, to repair, by active exertions, the loss which he had suffered, and determined, if possible, to intercept Morgan, and compel him to restore the trophies of his victory. This resolution led to a military race, which may be, without exaggeration, termed

* The following instance will illustrate the horrible spirit of these times:—"In the hour of festivity, one Brown had indulged himself in indiscreet censure of the revolutionary party. He had done worse,—he had committed a fault less easily forgiven,—he had ridiculed them. Being apprised that their resentment was excited, he attempted to escape; but he was closely pursued, brought back to Augusta, tried before a committee of surveillance, and sentenced to be tarred and feathered and carted, unless he recanted, and took the oath of allegiance prescribed by the administration of Georgia. Brown was a firm man, and resisted with a pertinacity that should have commanded the respect of his persecutors. But the motions of a mob are too precipitate to admit of the intrusion of generous feeling. After undergoing the painful and mortifying penance prescribed by the committee without yielding, it is too true that he was doomed to have his naked feet exposed to a large fire, to subdue his stubborn spirit: but in vain; and he was at length turned loose by a group of men who never once dreamed that the simple Indian trader would soon reappear an armed and implacable enemy. He first visited the loyalists of Ninety Six, concerted his measures with them, then made his way to St. Augustine, received a colonel's commission, placed himself at the head of a band of desperate refugees, and accompanied Provost in his irruption into Georgia. His thirst for revenge appeared afterward insatiable, and besides wantonly hanging many of his prisoners, he subjected

the families of the whigs who were out in service to accumulated sufferings and distress. It was not long after he was left in command at Augusta by the British general, that Colonel Clarke, with a determined party of the militia, whose families he had persecuted, aimed a well-directed blow at his post. But Brown proved himself a man of bravery and conduct, and he well knew that at all times he was fighting for his life. After a severe and partially successful contest, the approach of a party of Indians obliged Clarke to retreat, and leave his wounded behind him, with a letter addressed to Brown, requesting that he would parole them to their plantations. But Brown's thirst for revenge knew no bounds. It had been irritated in this instance by a wound which confined him to his bed. The unhappy prisoners, twenty-eight in number, were all hung; thirteen of them were suspended to the railing of the staircase, that he might feast his eyes with their dying agonies."—Johnson's Life of General Greene.

† Upwards of three hundred of the British were killed or wounded, and above five hundred taken prisoners; eight hundred muskets, two field pieces, two standards, thirty-five baggage wagons, and one hundred dragoon horses, fell into the hands of the conquerors. Of the Americans, twelve men only were killed, and sixty wounded. Congress, in honour of the good conduct of General Morgan, presented him a gold medal; to Lieutenant-Colonels Washington and Howard, medals of silver; and to Colonel Pickens, a sword.

one of the most celebrated in history. Each army strove to precede the other at the fords of the Catawba, from which both were equally distant. The American troops endured almost incredible hardships, being sometimes without meat, often without flour, and entirely destitute of spirituous liquors. A large portion of the troops were without shoes, and, marching over frozen ground, marked with blood every step of their progress. On the twelfth day after the engagement, Morgan reached the fords and crossed the Catawba; and two hours afterwards Cornwallis arrived, and, it being then dark, encamped on the bank. During the night, a heavy fall of rain made the river impassable, which gave Morgan an opportunity to remove the prisoners beyond the reach of his pursuer.

The movements of the royal army induced General Greene immediately to retreat from Hick's Creek; and, leaving the main army under the command of General Huger, he rode a hundred and fifty miles through the country to join the detachment under General Morgan, that he might be in front of Lord Cornwallis, and so direct both divisions of his army as to form a speedy junction between them. Lord Cornwallis, after three days' delay, effected the passage of the Catawba, and recommenced the pursuit. The Americans, continuing their expeditious movements, crossed the Yadkin on the 3d of February, and secured their boats on the north side; but the British, though close in their rear, were incapable of crossing it through the rapid rising of the river from preceding rains, and the want of boats. This second remarkable escape confirmed the impression on the minds of the Americans, that their cause was favoured by Divine Providence. After a junction of the two divisions of the American army at Guilford court-house, it was concluded, in a council of officers called by General Greene, that he ought to retire over the Dan, and to avoid an engagement until he should be re-enforced. Lord Cornwallis kept the upper countries, where only the rivers are fordable, and attempted to get between General Greene and Virginia, to cut off his retreat, and oblige him to fight under many disadvantages; but the American general completely eluded him. So urgent was the pursuit of the British, that, on the 14th of February, the American light troops were compelled to retire above forty miles; and on that day General Greene, by indefatigable exertions, transported his army over the Dan into Virginia. Here again the pursuit was so close, that the van of the British just arrived as the rear of the Americans had crossed. The continental army being now driven out of North Carolina,

Earl Cornwallis left the Dan, and proceeded to Hillsborough, where he set up the royal standard. Greene, perceiving the necessity of some spirited measure to counteract his lordship's influence on the inhabitants of the country, concluded, at every hazard, to recross the Dan. After manœuvring in a very masterly manner to avoid an action with Cornwallis three weeks, his army was joined by two brigades of militia from North Carolina, and one from Virginia, and also by four hundred regulars. This re-enforcement giving him a superiority of numbers, he determined no longer to avoid an engagement, and, on the 15th of March, he accepted battle; but at the first fire the North Carolina militia, who were in the front line, fled; the second line was also routed. The continentals, who composed the third, fought with their usual bravery, and for an hour and a half maintained the conflict with great firmness. They at length gave way, but retreated in good order; the slaughter they had made in the enemy's ranks preventing pursuit. The victory, won by a far inferior force, was more glorious than advantageous to the British army. Soon after the action, Lord Cornwallis began a march toward Wilmington. General Greene, on receiving intelligence of this movement, put his army in motion to follow him, and continued the pursuit to Ramsay's Mill, on Deep River. Cornwallis, having halted and refreshed his men about three weeks at Wilmington, marched across the country to Petersburg, in Virginia.

Before General Greene was aware that Lord Cornwallis intended to enter Virginia, he had formed the bold resolution of returning into South Carolina. Marching towards Camden, where nine hundred men, under the command of Lord Rawdon, were posted, he took a position on Hobkirk's-hill, about a mile from the British entrenchments. Here the Americans were attacked on 25th of April. In the beginning of the action their bravery gained advantages which, in its progress, were lost by the premature retreat of two companies, occasioned by the death of their officers. At this reverse of fortune, Greene retired a few miles from the field, both armies having sustained nearly an equal loss.

Several British posts in South Carolina speedily fell into the power of the brave and active partisans, who, with small bodies of troops, were ever present where oppression was to be resisted or glory won. Marion and Lee invested and took Fort Watson. Orangeburgh and Fort Motte surrendered to Sumpter. Lee captured Fort Granby, and Marion drove from Georgetown the troops stationed to defend it. Immediately after the surrender of Fort Granby, Lieu-

tenant-Colonel Lee marched to Augusta, and joined Brigadier-General Pickens, who, with a body of militia, had some time before taken post in the vicinity; and these two able officers jointly carried on their approaches against Fort Cornwallis. Two batteries were erected within thirty yards of the parapet which overlooked the fort; and from them the American riflemen shot into the inside of the works with effect. The garrison almost entirely burying themselves underground, obstinately refused to capitulate until resistance became useless, and then the fort, with about three hundred men, surrendered on honourable terms of capitulation. The Americans, during the siege, had about forty men killed and wounded. On the 22d of May, General Greene laid siege to Ninety-Six, which was defended by Lieutenant-Colonel Cruger with upwards of five hundred men. The works of the besiegers were carried forward with indefatigable industry and success until the 18th of June,* when, on intelligence of the approach of Lord Rawdon for the relief of the place, it was concluded to attempt its reduction by assault. The assailants displayed great resolution; but, failing of success, General Greene raised the siege, and retreated over the Saluda.

Lord Rawdon having returned to England, the command of the British troops in South Carolina devolved upon Lieutenant-Colonel Stewart; who, in the beginning of September, took post at Eutaw Springs. General Greene marched against him from the hills of Santee. The rival forces were equal, amounting on each side to two thousand men. On

the 8th an attack was made by the Americans; a part of the British line, consisting of new troops, broke, and fled; but the veteran corps received the charge of the assailants on the points of their bayonets. The hostile ranks were for a time intermingled, and the officers fought hand to hand; but Lieutenant-Colonel Lee, who had turned the British left flank, charging them at this instant in the rear, their line was soon completely broken, and driven off the field. They were vigorously pursued by the Americans, who took upwards of five hundred of them prisoners. The British, on their retreat, took post in a large three-story brick house, and in a picketed garden; and from these advantageous positions renewed the action. Four six-pounders were ordered up before the house; but the Americans were compelled to leave these pieces and retire. They formed again at a small distance in the woods; but General Greene, thinking it inexpedient to renew the desperate attempt, left a strong picket on the field of battle, and retired with his prisoners to the ground from which he had marched in the morning. In the evening of the next day, Lieutenant-Colonel Stewart, leaving seventy of his wounded men, and one thousand stand of arms, moved from Eutaw towards Charleston. The loss of the British, inclusive of prisoners, was supposed to be not less than eleven hundred men. The loss of the Americans, in killed, wounded, and missing, was about half that number. This battle was attended by consequences very advantageous to the Americans, and may be considered as closing the revolutionary war in South Carolina.*

* Congress passed a vote of thanks to every corps in the army, and a resolution for presenting to Major-General Greene, "as an honourable testimony of his merit, a British standard, and a golden medal emblematic of the battle and of his victory."

Most votaries of fame earn their honours by long and painful labours, in whatever walk of life they select to seek them. The orator has no permanent reputation, until he has secured it by appearing frequently before his fellow-citizens, and proving his claims to distinction by many vigorous efforts of intellectual superiority. Nor does a judge on the bench obtain a character for wisdom until he has trimmed the midnight lamp for many years; and even most warriors do not gain distinction and promotion, until gray hairs peer from under their helmets, in contrast to their sun-burnt faces. But there are exceptions to this rule, for sometimes a hero starts into life at once. The subject of this memoir was one of these brilliant exceptions. He was hardly known twenty miles from his native state, when he was seen marching into Cambridge, on the sixth of June, 1775, at the head of the Rhode Island troops, with the rank of major-general. He had under him three regiments of brave and effective men, and several excellent officers. The first impression of every one in camp, was favourable to the unknown Rhode Island general; and when Washington arrived, the next month, to take command of the army, the sagacious citizen-soldiers united the names of Washington and Greene together, as fit leaders of the brave, and they are never to be separated. Washington had been known as a warrior; he had gained imperishable laurels when Braddock fell at Monongahela; but Greene "had never set a squadron in the field;" nor had his name been heard of in the halls of congress; but the sagacious statesmen of Rhode Island did

know him. They had watched him from the cradle, and to inquiries made at the time, who is General Greene? were ready with an answer:—He is the son of one of the society of Friends; was born at Warwick, on the 22d day of May, 1742; his father was a blacksmith, engaged in making anchors and heavy iron work for ships, forges, &c.; his education was scanty in childhood, but he was well instructed in moral duties; he early felt his want of information, and set about self-instruction; he had a strong mind, and soon made rapid acquisitions in the fields of science and letters. He was particularly fond of military history, and the biography of heroes; his military ardour was kindled up in poring over the pages of Plutarch, and, Quaker as he was, he loved to dwell upon the deeds of the great men of antiquity, more than upon those around him. He saw that the winds were up, and that the storm of revolutionary war was gathering, and he sat about preparing himself to be useful. He read constitutional and common law sufficiently to understand the great principles of the rights of man, and the duties of nations. His own state had been vexed with fewer restraints than other colonies under Great Britain. The soul of Roger Williams, the founder of it, had not departed from among his sons; they were brave, but had not much military skill to aid them. Greene studied military science, and this he found easy, as he had made considerable progress in mathematics and geometry; and, at the same time, the manual exercise became familiar to him by frequent practice. In 1770, he was sent to the legislature of the state, and soon became distinguished in that body for his good sense and intrepid spirit. The Boston massacre had taken place, and every soul was roused with a spirit of resentment. In no bosom did it burn with more intensity than in the heart of

Brilliant as were the successes of General Greene in the Carolinas, it was in Virginia that the last great stroke in favour of American independence was to be

effected. In spite of the pacific sentiments of the religious order to which he belonged, in opposition to parental influence, he came forward and enrolled himself as a private in a military corps, called the KENTISH GUARDS. In this body he was a model of obedience to orders, and attention to duties; all eyes were turned on him, and his fellow-citizens marked him out for some high calling, and their affection for him was not diminished, but perhaps increased, when they knew he was read out of the pale of his order for taking up arms.

After the battle of Lexington, on the 19th of April, 1775, Rhode Island raised three regiments of soldiers, and by common consent put Greene at their head, and sent them to the general camp at Cambridge, in the vicinity of Boston.

While with Washington, in the anxious summer, autumn, and winter of 1775-6, when the American army were besieging the British in Boston, the merits of General Greene became known to the commander in chief, and he persuaded Greene to accept of a brigadier-general's commission in the continental army, the highest grade he could at that time offer him, but with a promise of promotion as soon as possible; this was accepted, and he was made a major-general on the 26th of August, 1776.

When the American army followed the enemy to New York, after the evacuation of Boston, the forces encamped partly in New York and partly on Long Island. The division upon the island was under the command of Greene, but he was severely ill when the unfortunate battle was fought there, and the command had devolved on the brave Sullivan.

Greene was with Washington when he crossed the Delaware, on the night of the 26th of December, 1776, and made an attack on the Hessians at Trenton, on the morning of that day. With signal success, Greene commanded the left wing of the army, and was the first to enter the town. He was with Washington at Princeton, and shared in the honours of that day. This was a bold and masterly manœuvre, which raised the sinking spirits of the nation, and stamped our commanders with the reputation of consummate soldiers abroad, and made Britain think that our leaders were not merely rebel braves, but sagacious generals.

Greene was also at the battle of Brandywine, and covered the retreat. The next month he commanded the left wing at the battle of Germantown, and his were the only troops who did all that was expected of them, in that battle. His reputation was raised by that day's conduct. He was next sent to prevent Cornwallis from getting supplies in the Jerseys; but Washington, finding that the enemy had received re-enforcements, recalled him.

The next spring, Greene was induced to accept the appointment of quarter-master-general of the army, as the whole commissariat was out of joint for want of resources, and from the irregularity of the aids afforded. His acceptance was on condition of having two assistants, and of retaining his rank in the line, and the right to resume his command in time of action.

In the month of June, 1777, he led the right wing at the battle of Monmouth, and mainly contributed to the partial success of the American army on that day.

From this battle ground he was sent to join General Sullivan at Newport, Rhode Island, who, with Count D'Estaing, was preparing to attack the English, then in possession of that place. The enterprise failed, but not for the want of American bravery, for that was sufficiently conspicuous. Greene covered the retreat of the army with a much smaller number than he had to oppose. The next place of his command was at Springfield, in the Jerseys, when he was attacked by Sir Henry Clinton, one of the greatest captains of the day. The Americans behaved with great bravery, and the enemy was repulsed.

After the defection of Arnold, Greene was appointed to the command of West Point; but he was there but a few days, when he was ordered to the command of the southern army. He was now the master of his own actions, in a great measure; or, at least, was chiefly to depend upon his own resources, and was personally responsible for all he did. Here the great powers of his indomita-

ble soul were developed; here he displayed the talents of a consummate general. He arrived at Charlotte on the 2d of December, 1780, with the gallant Morgan, who had greatly distinguished himself in the battles which led to the capture of Burgoyne, and which gave the death blow to British power in the north. The southern army was a mere skeleton, with only skin and sinews sufficient to hold it together. The men were without supplies, and there was no chance of immediate relief. The British army was well equipped and well fed; but their officers committed a great error in supposing the southern country prostrated and conquered, because they could not find any forces to meet them. The fires of patriotism seemed quenched, when they were only concealed; and they found them, to their cost, bursting out in every quarter. Cornwallis at length saw that the influence of royalty was waning, while that of patriotism was increasing, and he was determined on striking a blow, and crushing the American forces at once; for this purpose he sent his gallant master of the horse, Tarleton, to destroy that part of the American army under General Morgan. Tarleton had a thousand men, of the flower of the British troops, when he was sent to give an account of Morgan and his men. The attack was made on the American forces at the Cowpens, on the 17th of January, 1781. The battle was severe, and the British were beaten, with considerable loss of lives. Five hundred of the enemy laid down their arms, and were made prisoners; eight hundred stand of arms, two field pieces, and thirty-five baggage wagons, were the spoils from the enemy to the victors; while the loss on the part of the Americans was very trifling, only twelve killed, and sixty wounded. This brilliant affair raised the drooping spirits of the south, and disconcerted all the magnificent plans of Cornwallis. He followed Morgan with great spirit, to cover and redeem Tarleton's defeat; but Morgan was too rapid for him, having formed a junction with the main army before Cornwallis could overtake him. The southern army was still inferior to the British, and was obliged to make a northward movement.

In the beginning of March, Greene effected a junction with a continental regiment, and two bodies of Virginia and Carolina militia. He was now determined to give the enemy a proof of his spirit, knowing that, if fortune should prove kind, the enemy would be injured; but if he was beaten, that he should recover, as he was gaining strength every day. In this battle, a part of the militia fled as cowards, while other portions of them behaved well; so it will happen in every army. The victory was in favour of the British; but it was a dear one to them, they having lost more men than the American army. This battle crippled Cornwallis, and he was obliged to return to Wilmington, two hundred miles from the scene of action.

Soon after this battle of Guilford court-house, General Greene resolved to return to South Carolina, and to expel, if possible, the British from that state. His first object was to attempt the reduction of Camden, where Lord Rawdon was posted, with nine hundred men. With the small force Greene had, he did not think it prudent to attack Lord Rawdon, but encamped near him, and endeavoured to cut off his supplies. Rawdon bravely sallied out, and attacked Greene, and so vigorously as to compel him to retreat; but he lost more men in the attack than Greene did in the defence, and reaped no substantial advantage by his success, for he was soon obliged to retreat in turn, leaving behind him a number of the sick and wounded. The British ascendancy was now very rapidly declining, and most of their forts fell into the hands of the Americans.

On the 22d of May, General Greene set down before Ninety-Six, with the main part of his small army, and carried on the siege so spiritedly, that Rawdon was on the point of surrendering, when a re-enforcement relieved the post, but not before the American general had attempted to carry it by storm. This did not discourage Greene, who declared, at this gloomy moment, that he would recover the country, or die in the attempt. In the following months of July and August, there was some skirmishing between the two armies; but in September following, General Greene,

happily suppressed. Deplorably deficient of provisions and supplies, and promised re-enforcements being grievously delayed, Washington still remained undiscouraged, and determined, in conjunction with the French fleet, to resume vigorous operations. New York was the destined point of the combined attack; but the large re-enforcements which had recently arrived there, and other unfavourable circumstances, induced the commander in chief, so late as August, entirely to change the plan of the campaign, and to resolve to attempt the capture of the army of Lord Cornwallis, which had now taken up a position at Yorktown, in Virginia. The defence of West Point, and of the other posts on the Hudson, was committed to General Heath, and a large portion of the troops raised in the northern states was for this service left under his command.

General Washington resolved in person to conduct the Virginia expedition. The troops under Count Rochambeau, and strong detachments from the American army, amounting to more than two thousand men, and consisting of the light infantry, Lamb's ar-

being about two thousand strong, proceeded to attack Colonel Stewart, at Eutaw Springs. This battle was, on the whole, admirably fought, and the result was unequivocally in favour of our army. This broke the power of Cornwallis in the south, and disappointed all the calculations of British statesmen. They were dreaming that, having conquered the south, their forces would soon be able to proceed to the north, and beard the lion in his den. This battle of Eutaw Springs was indeed memorable. According to Greene's account—and who ever doubted his veracity?—he had three hundred men without arms, and a still greater number stark naked, who pushed their bayonets into the bodies of their enemies, as fearlessly as if they themselves had been covered with a coat of mail. No man, of ancient or modern days, ever had greater difficulties to contend with, than General Greene in this campaign; and no one ever met them with greater heroism. "We have (says he) three hundred men without arms, and more than one thousand so naked, that they can be put on duty only in cases of a desperate nature. We have been all winter in want of arms and clothing. The subsistence of the army is wretched, and we are without rum, or any kind of spirits." And at another time he declares, "I have been seven months in the field, without taking off my clothes." Greene himself was astonished at his own situation, and looked forward to contemplate what posterity would say in considering it. "At the battle of Eutaw Springs, (says he,) hundreds of my men were as naked as they were born. Posterity will scarcely believe that the bare loins of many brave men, who carried death into the enemy's ranks at the Eutaw, were galled by their cartouch boxes, while a folded rag, or a tuft of moss, protected the shoulders from sustaining the same injury from the musket. Men of other times will inquire, by what magic was this army kept together? By what supernatural power was it made to fight?"

While amidst these difficulties of the southern campaign, when destitute of every article of subsistence, or nearly so, some murmurings were heard in the camp, and treason was suspected; and the enemy had made their calculations to end the whole campaign at a blow, assisted by treason among the American ranks. Greene struck at the root of the evil, by an energy that astonished both friends and foes. He put his forces in battle-array, brought the accused to a court-martial, executed the offender in face of the army, and quelled the treason at a breath. No one murmured; all were full of admiration at his energetic course; and even the culprit who suffered did not complain; but, in his dying speech,

tillery, and several other corps, were destined for it. By the 25th of August the whole body, American and French, had crossed the North River. An intercepted letter of General Washington's, in which he communicated, as the result of a consultation with the French commanders, the design to attack New York, had excited the apprehensions of the British general for the safety of that city. This apprehension was kept alive, and the real object of the Americans concealed, by preparations for an encampment in New Jersey, opposite to Staten Island, by the route of the American army, and other appearances, indicating an intention to besiege New York; and the troops had passed the Delaware, out of reach of annoyance, before Sir Henry suspected their destination. General Washington pressed forward with the utmost expedition, and at Chester he received the important intelligence that Count de Grasse had arrived with his fleet in the Chesapeake, and that the Marquis St. Simon had, with a body of three thousand land forces, joined the Marquis de la Fayette. Having directed the route of his army from the head of the

urged them all to obey. What energy of character! what admirable decision!

Colonel Whigglesworth, one of the most accomplished of the great men of that age, a scholar, factor, sea-captain, merchant, and soldier, to whom was familiar the history of ancient and modern times, often observed, that General Greene was the most extraordinary man in the American army, or that he had ever met with in his travels, and he had seen much of the world. "He had," said that shrewd observer of man, "the caution of Fabius, and the energy of Julius Cesar. He rose from disaster as fresh as if he had gained a victory, always cool, scientific, and prompt; no officer ever said Greene has made a mistake, but every one gave him credit for almost supernatural sagacity, precisely when it was wanted."

This great commander had fought all his battles, and filled up the measure of his military glory, before he had finished his fortieth year—younger than Nelson, when he fell at Trafalgar, in the arms of victory; or Sir John Moore, when he was "left alone in his glory," in the ramparts of Corunna. He combined the physical courage of the former, and his prescience of events, with the high feelings and moral daring of the latter, and his labours were more difficult than those of either.

Historians of no ordinary renown in the literary world, have arisen to narrate his deeds, and praise his virtues; but this is not all: there is a feeling of admiration and gratitude in the hearts of his countrymen, at the mention of his name, which is beyond the pen of the biographer, or the muse of the epic bard. It is a lambent flame of the heart, which was kindled up in those days of lofty feeling and patriotic ardour, which has descended to us as an heir-loom of the affections, from our father's bosoms, and will go down, in all its purity, to the remotest posterity. Not to us and our posterity only, will his name be dear, but to the general reader of history, who will as intimately connect this warrior's name with *prudence, bravery, decision of character, and every soldierly attribute and manly virtue*, as justice now is with the name of ARISTIDES.

"Oh! who shall lightly say that FAME
Is nothing but an empty name!
When memory of the mighty dead,
To earth-worn pilgrim's wistful eye
The brightest rays of cheering shed,
That point to immortality." *American Editor.*

Elk, he, accompanied by Rochambeau, Chatelleux, Du Portail, and Knox, proceeded to Virginia. They reached Williamsburg on the 14th of September, and immediately repaired on board the *Ville de Paris*, to settle with Count de Grasse the plan of operations. The whole body of American and French troops reached Williamsburg by the 25th of September. At this place the allied forces were joined by a detachment of the militia of Virginia, under the command of Governor Nelson, and preparations were soon made to attack the intrenchments of Lord Cornwallis.

Yorktown, the head-quarters of Lord Cornwallis, is a village on the south side of York River, the southern banks of which are high, and where ships of the line may ride in safety. Gloucester Point is a piece of land on the opposite shore, projecting considerably into the river. Both these posts were occupied by the British; and a communication between them was commanded by their batteries, and by several ships of war. The main body of Lord Cornwallis's army was encamped on the open grounds about Yorktown, within a range of outer redoubts and field-works; and Lieutenant-Colonel Tarleton, with a detachment of six or seven hundred men, held the post at Gloucester Point.

The legion of the Duke de Lauzun, and a brigade of militia under General Weedon, the whole commanded by the French general De Choise, were directed to watch and restrain the enemy on the side of Gloucester; and the grand combined army, on the 30th of September, moved down to the investiture of Yorktown. On the night of the 6th of October, advancing to within six hundred yards of the English lines, they began their first parallel, and laboured with such silence and diligence, that they were not discovered until morning, when the works they had raised were sufficient to protect them. On the 9th, several batteries being completed, a heavy cannonade was begun. Many of the British guns were dismounted, and portions of their fortifications laid level with the ground. On the night of the 11th, the besiegers commenced their second parallel, three hundred yards in advance of the first. This approach was made so much sooner than was expected, that the men were not discovered at their labour until they had rendered themselves secure from all molestation in front. The fire from the new batteries was still more furious and destructive. From two British redoubts, in advance of their main works, and flanking those of the besiegers, the men in the trenches were so severely annoyed, that Washington resolved to storm them. The enterprise against one was committed to an American force under the Marquis de la

Fayette, that against the other to a French detachment. Colonel Hamilton, who led the van of the former, made such an impetuous attack, that possession was soon obtained, with little slaughter. The French detachment was equally brave and successful, but sustained greater loss. On the 16th, a sortie was made from the garrison by a party of three hundred and fifty, commanded by Lieutenant-Colonel Abercrombie, who forced two batteries, and spiked eleven pieces of cannon; but the guards from the trenches immediately advancing on them, they retreated, and the pieces which they had hastily spiked were soon rendered fit for service. In the afternoon of the same day the besiegers opened several batteries in their second parallel; and in the whole line of batteries nearly one hundred pieces of heavy ordnance were now mounted. The works of the besieged were so universally in ruins as to be in no condition to sustain the fire which might be expected the next day. In this extremity, Lord Cornwallis boldly resolved to attempt an escape by land with the greater part of his army. His plan was to cross over, in the night, to Gloucester Point, and forcing his way through the troops under De Choise, to pass through Maryland, Pennsylvania, and Jersey, and form a junction with the royal army at New York. In prosecution of this desperate design, one embarkation of his troops crossed over to the opposite point; but a violent storm of wind and rain dispersed the boats, and frustrated the scheme.

On the morning of the 17th the fire of the American batteries rendered the British post untenable. Lord Cornwallis, perceiving further resistance to be unavailing, about ten o'clock beat a parley, and proposed a cessation of hostilities for twenty-four hours, that commissioners might meet to settle the terms on which the posts of York and Gloucester should be surrendered. General Washington, in his answer, declared his "ardent desire to spare the effusion of blood, and his readiness to listen to such terms as were admissible;" but to prevent loss of time, he desired "that, previous to the meeting of the commissioners, the proposals of his lordship might be transmitted in writing, for which purpose a suspension of hostilities for two hours should be granted." The terms proposed by his lordship were such as led the general to suppose that articles of capitulation might easily be adjusted, and he continued the cessation of hostilities until the next day. To expedite the business, he summarily stated the terms he was willing to grant, and informed Earl Cornwallis, that if he admitted these as the basis of a treaty, commissioners might meet to put them into form. Accordingly,

Viscount de Noailles and Lieutenant-Colonel Laurens, on the part of the allies, and Colonel Dundas and Major Ross, on the part of the English, met the next day, and adjusted articles of capitulation, which were to be submitted to the consideration of the British general. Resolving not to expose himself to any accident that might be the consequence of unnecessary delay, General Washington ordered the rough draft of the commissioners to be fairly transcribed, and sent to Lord Cornwallis early next morning, with a letter expressing his expectation that the garrison would march out by two o'clock in the afternoon. Hopeless of more favourable terms, his lordship signed the capitulation, and surrendered the posts of York and Gloucester, with their garrisons, to General Washington; and the shipping in the harbour, with the seamen, to Count de Grasse. The prisoners, exclusive of seamen, amounted to more than seven thousand, of which between four and five thousand only were fit for duty. The garrison lost, during the siege, six officers and five hundred and forty-eight privates in killed and wounded. The privates, with a competent number of officers, were to remain in Virginia, Maryland, or Pennsylvania. The officers not required for this service were permitted on parole to return to Europe, or to any of the maritime posts of the English on the American continent. The terms granted to Earl Cornwallis were, in general, the terms which had been granted to the Americans at the surrender of Charleston; and General Lincoln, who on that occasion resigned his sword to Lord Cornwallis, was appointed to receive the submission of the royal army. The allied army, to which Lord Cornwallis surrendered, amounted to sixteen thousand; seven thousand French, five thousand five hundred continental troops, and three thousand five hundred militia. In the course of the siege they lost, in killed and wounded, about three hundred. The siege was prosecuted with so much military judgment and ardour, that the treaty was opened on the eleventh, and the capitulation signed on the thirteenth day after ground was broken before the British lines.*

The capture of so large a British army excited universal joy, and on no occasion during the war did the Americans manifest greater exultation. From the nature and duration of the contest, the affections of many had been so concentrated upon their country, and so intense was their interest in its fate, that

the news of this brilliant success produced the most rapturous emotions, under the operations of which, it is said, some were even deprived of their reason, and one aged patriot in Philadelphia expired. The day after the capitulation, General Washington ordered, "that those who were under arrest should be pardoned and set at liberty;" and announced, that "Divine service shall be performed to-morrow in the different brigades and divisions. The commander in chief recommends, that all the troops that are not upon duty do assist at it with a serious deportment, and that sensibility of heart which the recollection of the surprising and particular interposition of Providence in our favour claims." Congress, as soon as they received General Washington's official letter giving information of the event, resolved to go in procession to the Dutch Lutheran church, and return thanks to Almighty God for the signal success of the American arms; and they issued a proclamation, recommending to the citizens of the United States to observe the 13th of December as a day of public thanksgiving and prayer.

While these successful operations had been carrying on in Virginia, Sir Henry Clinton endeavoured, if possible, to recall Washington, or at least to divert his attention, by some daring enterprise in the north. Giving to the traitor Arnold, who had just returned from his destructive expedition to Virginia, the command of a strong detachment, he sent him against New London, a flourishing city situated upon the river Thames, in his native state. Nearly opposite, on a hill in Groton, stood Fort Griswold, which was then garrisoned by militia, hastily summoned from their labours in the field. Against this fort Arnold despatched a part of his troops. It was assaulted on three sides at the same moment. The garrison, fighting in view of their property and their homes, made a brave and obstinate resistance. By their steady and well-directed fire many of the assailants were killed. Pressing forward with persevering ardour, the British entered the fort through the embrasures. Immediately all resistance ceased. Irritated by gallantry which should have caused admiration, a British officer inquired who commanded the fort. "I did," said Colonel Ledyard, "but you do now;" and presented him his sword. He seized it, and, with savage cruelty, plunged it into his bosom. This was the signal for an indiscriminate massacre. Of a hundred and sixty men, composing the garrison,

* Congress, on receiving intelligence of this important victory, passed resolutions, returning the thanks of the United States to the commander in chief, to the Count De Rochambeau, to the Count De Grasse, and to the officers of the different corps, and the men

under them. It was also resolved, that a marble column should be erected at Yorktown, with emblems of the alliance between the United States and his most Christian Majesty, and inscribed with a succinct narrative of the surrender of Earl Cornwallis.

all but forty were killed or wounded, and most of them after resistance had ceased. Seldom has the glory of victory been tarnished by such detestable barbarity. The British then entered New London, which was set on fire and consumed. The property destroyed was of immense value. Perceiving no other object within the reach of his force, Arnold led back his troops to New York.

A circumstance which evidently exercised a very favourable influence on American affairs during this period should not be omitted—the institution of a national bank. The plan of it was projected by Robert Morris, one of the delegates of Pennsylvania, a man of high reputation, and well versed in affairs of commerce and finance, whom congress had appointed treasurer. He assigned to this bank a capital of four hundred thousand dollars, divided in shares of four hundred dollars each, in money of gold or silver, to be procured by subscriptions. Twelve directors were to manage the bank, which was denominated by congress, “The President, Directors, and Company of the Bank of North America.” To the financial skill and indefatigable efforts of Mr. Morris in the treasury department, it has been thought his country was scarcely less indebted, than to the valour of her soldiers, and the wisdom of her statesmen. Under his auspices, public credit revived; the army was pacified; and a new impulse given to every operation in the field and the cabinet.

During this fortunate year also the compact of the confederation was rendered complete. Much difficulty had been experienced in obtaining its ratification. Various and sometimes conflicting amendments had been proposed by the states respectively; but they had successively yielded to the opinion that a federal compact would be of vast importance in the prosecution of the war. One of the greatest impediments had hitherto been, that within the chartered limits of several states there were immense tracts of vacant territory, which, it was supposed, would constitute a large fund of future wealth; and the states not possessed of this advantage insisted on considering this territory as a joint acquisition, to be applied to the common benefit. The cession made by Virginia, the preceding year, of its north-west territory, was now accepted by congress, and, to the great joy of America, the confederation was completed.*

The result of the last campaign convinced the British nation that America could not be subdued by force; and led to a change of administration and pacific overtures. Parliament met on the 27th of

November, 1781; and though the speech from the throne still breathed a spirit of hostility, and answers from both houses were procured in accordance with it, yet not long after the recess, the ministers found themselves in a minority in the house of commons. On the 22d of February, 1782, General Conway moved an address to the king, praying, “that the war on the continent of North America might no longer be pursued for the impracticable purpose of reducing that country to obedience by force; and expressing their hope, that the earnest desire and diligent exertion to restore the public tranquillity, of which they had received his majesty’s most gracious assurances, might, by a happy reconciliation with the revolted colonies, be forwarded and made effectual; to which great end his majesty’s faithful commons would be ready to give their utmost assistance.” This motion being lost by a single vote only, was, five days after, renewed, by the same gentleman, in a form somewhat different, and was carried; and an address in pursuance of it presented to the king. Not yet satisfied with the triumph obtained over the ministry, and considering the answer of the king not sufficiently explicit, the house of commons, on the 4th of March, on the motion of General Conway, declared, that all those who should advise, or by any means attempt, the farther prosecution of offensive war in America, should be considered as enemies to their king and country. In this state of things it was impossible for the ministry longer to continue in power, and on the 19th they relinquished their places. A new administration was soon after formed—the Marquis of Rockingham was placed at the head of the treasury, and the Earl of Shelburne and Mr. Fox held the important places of secretaries of state.

Soon after their appointment, the new ministers sent a Mr. Oswald to France, to sound the French court, as well as Dr. Franklin, on the subject of peace. In a conference with the Count de Vergennes, Mr. Oswald was informed that the French court were disposed to treat for peace, but could do nothing without the consent of their allies; and the count expressed a wish that Paris might be the place of meeting for entering upon this important business. About the 18th of April the British agent went back to London, and on the 4th of May returned to France with the assent of the British cabinet to treat of a general peace, and for that purpose to meet at Paris.

One of the first measures of the new administration, was to appoint Sir Guy Carlton commander in chief in America, in the room of Sir Henry Clinton, and to authorize Admiral Digby and himself to treat for peace. One object of conferring this power was

* Marshall’s Life of Washington, b. iv. chap. 8.

to induce congress to agree to a separate treaty. Sir Guy Carlton arrived in America on the 5th of May, and two days afterwards informed General Washington that he and Admiral Digby were authorized to treat for peace, and requested a passport for their secretary, as the bearer of despatches to congress on the subject. A copy of this letter was forwarded by the general to that body; but the members being determined not to negotiate without their allies, refused the passport. The same commissioners, on the 2d of August following, sent a second letter to the American commander, informing him that negotiations for a general peace had commenced at Paris, and that Mr. Grenville had full powers to treat with all the parties at war, and that, by his instructions, "the independency of the thirteen provinces was to be pro-

* One of the reasons assigned by Mr. Fox for his resignation, was, that the cabinet, under the influence of Lord Shelburne, had departed from the principles adopted by the preceding administration, on the great question of American independence. In vindication of himself, Lord Shelburne, early in July, declared in parliament, that he had been, and yet was of opinion, that whenever parliament should acknowledge the independence of America, the sun of England's glory was set for ever. Such, he said, were the sentiments he possessed on a former day, and such were the sentiments he still held. That other noble lords thought differently; and as the majority of the cabinet supported them, he acquiesced in the measure, dissenting from the idea; and the point was settled to bring the matter before parliament. That if independence were to be granted, he foresaw, in his own mind, that England was undone. He wished to God, he declared, that he had been deputed to the congress, that he might plead the cause of that country, as well as of this; and that he might exercise whatever powers he possessed, as an orator,* to save both from ruin, by bringing the congress to a conviction, that, if their independence was signed, their liberties were gone for ever. This declaration of the prime minister, after the statements made by Mr. Grenville and Sir Guy Carlton on the subject of American independence, as before mentioned, excited no little astonishment in France, as well as in America.

It was supposed, that, with a view of attempting some arrangement agreeable to his wishes, Lord Shelburne contemplated sending Mr. Jones, afterwards Sir William Jones, to America. Certain it is, that about the last of June, Mr. Jones, in company with a gentleman by the name of Paradise, went to Paris; and it was publicly given out, they were on their way to America, on business of a private nature; Mr. Paradise, to recover an estate belonging to him, and Mr. Jones as his counsel. While at Paris, the latter frequently saw and conversed with Dr. Franklin and Mr. Jay, and as a matter of curiosity, presented to the former, with whom he had been acquainted in England, what he called "a fragment of Polybius, from his treatise on the Athenian government." He took this singular mode, no doubt, of sounding the American commissioners, on the great question of peace: and no one can read this supposed fragment of a celebrated ancient historian, purporting to give a brief account of a contest between Athens and her colonies, without being satisfied as to its real object.

"Athens," says this fragment, "had long been an object of universal admiration, and consequently of envy; her navy was invincible, her commerce extensive; Europe and Asia supplied her with wealth; of her citizens, all were intrepid, many virtuous; but some too much infected with principles unfavourable to freedom. Hence an oligarchy was, in a great measure, established; crooked counsels were thought supreme wisdom; and the Athenians having lost their true relish for their own freedom, began to attack that of their colonies, and of the states which they had before protected! Their arrogant claims of unlimited dominion, had compelled the Chians,

posed by him, in the first instance, instead of being made a condition of a general treaty."

A majority of the new British cabinet very early determined to offer America unlimited unconditional independence, as the basis of a negotiation for peace, and so instructed their minister, Mr. Grenville. This was a favourite measure with the Marquis of Rockingham; on this point, however, the cabinet was divided. The Earl of Shelburne, though he acquiesced, was still opposed, and it was one of the last measures to which the king would assent. The illness of the Marquis of Rockingham, and his death, which happened on the 1st of July, produced no little delay and difficulty in the negotiations. The appointment of Lord Shelburne as first lord of the treasury produced an open rupture in the cabinet.*

Coans, Rhodians, Lesbians, to join with *nine other* small communities in the *social war*, which they began with inconceivable ardour, and continued with industry surpassing all example, and almost surpassing belief.

"They were openly assisted by Mausoleus, king of Caria, to whose metropolis the united islands had sent a *philosopher* named *Eleutherion*, eminent for the deepest knowledge of nature, the most solid judgment, most approved virtue, and most ardent zeal for the cause of *general liberty*. The war had been supported for three years with infinite exertions and valour on both sides, with deliberate firmness on the part of the allies, and with unabated violence on the part of the Athenians, who had, nevertheless, despatched commissioners to Rhodes, with intent to propose terms of accommodation; but the states (perhaps too pertinaciously) refused to hear any proposal whatever, without a previous recognition of their *total independence*, by the magistrates and people of Athens. It was not long after this that an *Athenian*, who had been a pupil of Isaeus, together with Demosthenes, and began to be known in his country as a pleader of causes, was led, by some *affair of his clients*, to the capital of Caria. He was a man, unauthorized, unemployed, unconnected, independent in his circumstances as much as in his principles; admitting no governor, under providence, but the laws; and no laws, but which justice and virtue had dictated, which wisdom approved, which his country had freely enacted. He had been known at Athens to the sage Eleutherion, and their acquaintance being renewed, he sometimes took occasion, in their conversations, to lament the calamities of war, and to express his eager desire of making a general peace on such terms as *would produce the greatest good from the greatest evil*; 'for this,' said he, 'would be a work not unworthy the divine attributes, and if mortals could effect it, they would act like those beneficent beings, whom Socrates believed to be the constant friends and attendants of our species.'"

The *Athenian*, in these conversations, is also represented as endeavouring to persuade Eleutherion not to insist on such terms of peace, as would wound the pride of Athens, without any substantial benefit to the colonies, and particularly not to insist on an *express* acknowledgment of their independence. "Let the confederates," he said, "be contented with the *substance* of that independence which they have asserted, and the word will necessarily follow.

"Let them not hurt the natural, and, perhaps, not reprehensible pride of Athens, nor demand any concession, that may sink in the eyes of Greece a nation to whom they are and must be united in language, in blood, in manners, in interest, in principles. Glory is to a nation, what reputation is to an individual; it is not an empty sound, but important and essential. It will be glorious in Athens to acknowledge her error in attempting to reduce the islands; but an acknowledgment of her *inability* to reduce them (if she be unable) will be too public a confession of weakness, and her rank among the states of Greece will instantly be lowered."

Lord John Cavendish, Mr. Fox, and some others, resigned their places. In consequence of this, William Pitt was made chancellor of the exchequer, and Thomas Townshend and Lord Grantham secretaries of state. There can be little doubt that the king, as well as Lord Shelburne, still entertained a distant

The Athenian declared, that whatever his own advice might be, he knew and positively pronounced, that Athens would never expressly recognise the independence of the islands; that an express acknowledgment of it was merely *formal* with respect to the allies; but the prejudices of mankind had made it *substantial* with respect to Athens.

"There is a *natural* union," he said, "between Athens and the islands which the gods had made, and which the powers of hell could not dissolve. Men, speaking the same idiom, educated in the same manner, perhaps in the same place; professing the same principles; sprung from the same ancestors in no very remote degree; and related to each other in a thousand modes of consanguinity, affinity, and friendship; such men (whatever they may say through a temporary resentment) can never in their hearts consider one another as aliens."

The Athenian then proposed "the general ground work and plan of a treaty," the substance of which was, that the *Carians* should be included in the pacification on advantageous terms, that the archon, senate, and magistrates of Athens, should make a *complete recognition of rights* of all the Athenian citizens, of all orders whatever, and all laws for that purpose be combined in one—"there should not be one *slave* in Attica." That there should be a perfect co-ordination between Athens and the *thirteen United Islands*; they considering her not as a *parent*, whom they must obey, but as an *elder sister*, whom they could not help loving, and to whom they should give *pre-eminence of honour and co-equality of power*. The *new constitutions* of the confederate islands to remain. On every occasion requiring acts for the general good, there was to be an assembly of deputies from the senate of Athens and the *congress* of the islands, who should fairly adjust the whole business, and settle the ratio on both sides; this committee to consist of fifty islanders and fifty Athenians, or of a smaller number chosen by them. A proportionable number of Athenian citizens, if thought necessary, were to have seats, and the power of debating and voting on questions of common concern, in the great assembly of the islands, and a proportionable number of the islanders to sit, with like power, in the assembly at Athens. No obligation to make war, but for the common interest—commerce to flow in a free course, for the general advantages of the united powers, and a universal unlimited *amnesty* to be proclaimed, in every part of Greece and Asia.

"This," said the ingenious Athenian, "is the rough sketch of a treaty founded on virtue and liberty."

"The idea of it still fills and expands my soul; and if it cannot be realized, I shall not think it less glorious, but shall only grieve more and more at the perverseness of mankind."

"May the Eternal Being, whom the wise and virtuous adore, and whose attribute it is to convert into good, that evil, which his unsearchable wisdom permits, inspire all ranks of men to promote this or a similar plan! If this be impracticable, O human nature! But I am fully confident that if—more at large—happiness of all."

"No more is extant," Mr. Jones added, "of this interesting piece, upon which the commentary of the sage Polybius would have been particularly valuable *in these times*."

The allusions in this singular and ingenious communication, were too obvious to be misunderstood, and left little doubt on the minds of the American commissioners, that the real object of Mr. Jones, in his visit at Paris, as well as his intended voyage to America, was, if possible, to effect a reconciliation on terms short of an *express* and *open* acknowledgment of the independence of America. Mr. Jay was the more confirmed in this, by seeing in a pamphlet put into his hands by Mr. Jones, containing an account of the proceedings of the "Society for constitutional information," a communication made to the society by Mr. Jones himself, in which he an-

hope that some arrangement might be made with the Americans short of an open and express acknowledgment of their independence; and the views of the latter on this point, probably, had no little influence in placing him at the head of the administration.* Parliament adjourned on the 11th of July,

nounced his intention of leaving England speedily, "on a mission connected with the interest and welfare of his country."

These suspicions were communicated to congress both by Dr. Franklin and Mr. Jay. In a letter to the secretary of foreign affairs, the latter particularly stated his suspicions with respect to Mr. Jones; and on the 28th of June, Dr. Franklin, in a letter to the same, says, "It looks as if, since their late success in the West Indies, they a little repented of the advances they had made in their declarations respecting the *acknowledgment of our independence*; and we have *good information*, that some of the ministry still flatter the king with the hope of recovering his sovereignty over us, on the same terms as are now making with Ireland. However willing we might have been, at the commencement of this contest, to have accepted such conditions, be assured that we can have no safety in them at present."

"There are," he added, "as reported, great divisions in the ministry on other points, as well as this; and those *who aim* at engrossing the power, flatter the king with this project of *re-union*; and it is said, have much reliance on the operations of *private agents* sent into America to dispose minds in favour of it, and to bring about a separate treaty there, with General Carleton."

The noble biographer of Sir William Jones, however, declares, that the object of his intended journey to America was "professional," and that the "surmises and insinuations" circulated to the contrary, were without foundation.

Yet the situation of the British cabinet at that time, the opinion of the Earl of Shelburne on the question of American independence, as declared in parliament, the circumstance that Mr. Jones was his particular friend, and above all, the internal evidence arising from the extraordinary communication made to Dr. Franklin; a communication, novel, indeed, in the annals of diplomacy, but certainly, in its style and manner, well calculated to disclose his supposed object, leave little doubt but that this eminent scholar was requested, by high authority, to sound Dr. Franklin, in a secret manner, as to terms of peace and reconciliation with America, the least wounding to British pride. Nor is it impossible, that Mr. Jones himself alluded to this transaction, in a familiar letter to Lord Althorp, of the 5th of October, 1782, mentioned by his biographer, in which he says, "I know not what * * * * * thinks; but this I know, that the sturdy trans-atlantic yeomanry will neither be *dragooned* or *bamboozled* out of their liberty." Whatever might have been the real or ultimate views of Mr. Jones, he returned to England without visiting America. The French court again apprehended that the Americans might be induced to make a separate peace, and on terms short of absolute independence. These apprehensions being communicated to the members of congress, in October, 1782, they resolved to adhere to the treaty of alliance, to conclude neither a separate peace nor truce with Great Britain; and that they would prosecute the war with vigour, until by the blessing of God on the united arms, a peace should be happily accomplished; by which the full and absolute sovereignty and independence of the United States having been duly assured, their rights and interests, as well as those of their allies, should be effectually provided for and secured; and that they would not enter upon the discussion of any overtures of pacification, but in confidence and in concert with his most Christian Majesty.—Pitkin's Political and Civil History, vol. ii. p. 126—132.

* Among the papers of Dr. Franklin was found the following memorandum: "Immediately after the death of Lord Rockingham, the king said to Lord Shelburne, 'I will be plain with you; the point next my heart, and which I am determined, be the consequence what it may, never to relinquish but with my crown and life, is, to prevent a total unequivocal recognition of the independence of America. Promise to support me on this ground, and I will leave

having passed an act at the close of the session, authorizing the king to conclude a peace or truce with the Americans.

The instructions of congress to the American commissioners not to conclude peace without the consent of France, rendered their situation complicated and embarrassing. There were several questions which the Americans deemed of the first importance, in which the French court either felt no interest, or were opposed to the American claims. The principal of these points referred to the right of fishery on the grand bank, and the western boundary of the United States.* On the latter point, Spain, who was also a party to the negotiations, was extremely desirous of limiting as much as possible the extent of the American territory. These circumstances occasioned much difficulty and considerable delay. At length the American commissioners determined to agree to a provisional treaty without the concurrence of the French court. Mr. Oswald, who had succeeded Mr. Grenville, on the part of the British government, strongly urged the propriety of the American loyalists being compensated for the losses they had incurred during the struggle for independence; but this proposition was met by a counter one from Dr. Franklin, that a similar arrangement should be made by Great Britain in favour of the Americans who had suffered in their property from the destruction carried on by the British troops. This point was therefore ultimately waived, and other difficulties being overcome, a provisional treaty was agreed to on the 30th of November; and after great delay, occasioned by the strenuous endeavours of the court of Madrid to procure the cession of Gibraltar by Great Britain, preliminary treaties of peace were signed on

you unmolested on every other ground, and with full power as the prime minister of this kingdom.' The bargain was struck."—Franklin's Works, vol. v. p. 326.

* "The suspicions of the American ministers as to the views of the French court, concerning the fisheries and boundaries, were confirmed by a letter from Barbe de Marbois, charge des affaires in America, a copy of which (the original having been intercepted) was, about this time, put into their hands. The policy, as well as intention of France, as disclosed by this letter, evidently was, that the fisheries and western country should be relinquished by the United States as the price of peace; and Monsieur Marbois hints to Vergennes the propriety of taking early measures to prevent any discontents in America in consequence of such relinquishment. After speaking of the different parties in the United States on these subjects, he says, 'There are some judicious persons to whom one may speak of giving up the fisheries and the [boundaries] of the west, for the sake of peace; but there are enthusiasts who fly out at this idea, and their numbers cannot fail of increasing when, after the English are expelled this continent, the burden of the war will scarce be felt.' In conclusion, he says, 'But it is best to be prepared for any discontent, although it should be temporary. It is remarked by some, that as England has other fisheries besides Newfoundland, she may, perhaps, endeavour that the Americans should partake in that of the grand bank, in order to conciliate their

the 20th of January, 1783, between France, Spain, and Great Britain.†

On the 24th of March, intelligence of a general peace reached America by a letter from the Marquis de la Fayette; and orders were immediately issued recalling all armed vessels cruising under the authority of the United States. Congress soon after received official information of the agreement between the ministers of the United States and Great Britain, and of the exchange of ratifications of the preliminary articles between Great Britain and France; and, on the 11th of April, they issued a proclamation, declaring the cessation of arms, as well by sea as by land, agreed upon between the United States and his Britannic majesty, and enjoining its strict observance. On the 19th of April, peace was proclaimed in the American army by the commander in chief, precisely eight years from the day of the first effusion of blood at Lexington.

The independence of the United States was acknowledged by Sweden, on the 5th of February; by Denmark, on the 25th of February; by Spain, on the 24th of March; and by Russia, in July; treaties of amity and commerce were also concluded with each of those powers. On the 8th of June, General Washington addressed a letter to each of the governors of the several states in the union, on the present situation, and what appeared to him the wisest policy, of the United States. In this paternal and affectionate letter he stated four things which he conceived to be essential to their well-being, and even to their existence, as an independent power: "An indissoluble union of the states under one general head; a sacred regard to public justice; the adoption of a proper peace establish-

affections, or procure some compensation, or create a jealousy between them and us. But it does not seem likely that she will act so contrary to her interest; and were she to do it, it will be better to have declared at an early period to the Americans, that their pretension is not founded, and that his majesty does not intend to support it."—Franklin's Works. Pitkin, vol. ii. p. 141.

† When these, with the provisional treaty with America, were laid before parliament in February following, they became the subject of violent debates and severe animadversion. The ministry were accused of sacrificing the interests of their country, by making unnecessary concessions to their enemies. One of the resolutions introduced into the house of commons on the subject, by Lord John Cavendish, was, "That the concessions made to the adversaries of Great Britain, by the provisional treaty and preliminary articles, were greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength." This resolution was carried against the ministry by two hundred and seven to one hundred and ninety. The great object of the majority was, to compel Lord Shelburne and some of his adherents to resign their places. This was effected by the extraordinary coalition of Lord North and Mr. Fox, and their friends. On the 2d of April a new administration was formed, at the head of which was placed the Duke of Portland, and Lord North and Mr. Fox were made secretaries of state.

ment; and the prevalence of that pacific and friendly disposition, among the people of the United States, which will induce them to forget their local prejudices and politics, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community. These," he added, "are the pillars on which the glorious fabric of our independency and national character must be supported." Having requested that each governor would communicate these sentiments to his legislature at their next meeting, and that they might be considered "as the legacy of one who has ardently wished, on all occasions, to be useful to his country, and who, even in the shade of retirement, will not fail to implore the Divine benediction upon it;" he concluded his letter in language becoming a Christian patriot, and worthy of perpetual remembrance: "I now make it my earnest prayer that God would have you, and the state over which you preside, in his holy protection, that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their

fellow-citizens of the United States at large, and particularly for their brethren who have served in the field; and, finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, without an humble imitation of whose example in these things we can never hope to be a happy nation."

The definitive treaty of peace between Great Britain and the United States of America was signed at Paris on the 3d of September, by David Hartley, Esq., on the part of his Britannic majesty, and by John Adams, Benjamin Franklin, and John Jay, on the part of the United States. The provisions of the treaty attest the zeal and ability of the American negotiators, as well as the liberal feelings which actuated the British ministry. The independence of the United States was fully acknowledged. The right of fishing on the banks of Newfoundland, and certain facilities in the enjoyment of that right, were secured to them for ever; and territory was ceded to them more extensive than the most sanguine had dared to anticipate or to hope.*

* An abstract of this memorable document will not be deemed unnecessary in a work like the present. By the first article of this treaty, his Britannic Majesty acknowledges the United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof. By the second article, the boundaries of the United States are declared and described from St. Croix, in Nova Scotia, to Canada, by the lakes and the river Mississippi, to East Florida. By the third article, it is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the grand bank, and on all the other banks of Newfoundland, also in the gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose of the inhabitants, proprietors, or possessors of the ground. By the fourth article, it is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted. By the fifth article, it is agreed, that the congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties, of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the United States; and that persons

of any other description shall have free liberty to go to any part of parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that congress shall also recommend to the several states, that the estates, rights, and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights. By the sixth article, it is agreed, that there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced be discontinued. By the seventh article, it is agreed, that there shall be a firm and perpetual peace between his Britannic Majesty and the said states, and between the subjects of the one and the citizens of the other: wherefore, all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbour, within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said

While the negotiations were pending, the American troops were retained in service, but remained unemployed at their various stations. They saw with pleasure the end of their toils approaching, but apprehended that their country, when she no longer needed their services, would forget with what zeal and fidelity they had been rendered. The officers, especially, dreaded that, after having, for want of pay, expended their private fortunes, and after having exhausted their strength in the performance of arduous and protracted services, they should be dismissed in poverty, without any secure provision for their future support. In the course of the war, a resolution had been adopted by congress, stipulating that the officers, after being disbanded, should receive half-pay for life. This resolution had never been ratified by the requisite number of states, and no safe reliance could therefore be placed upon it. In December, 1782, the officers forwarded to congress a petition, praying that all arrears which were due to them might be discharged, and that, instead of half-pay for life, a sum equal to five years' full pay should be paid or secured to them when disbanded. The delay of congress to comply with this request produced an alarming agitation in that portion of the army stationed at Newburgh. An address to the officers was privately circulated, written with great ability, and admirably well fitted to work upon those passions which recent sufferings and gloomy forebodings had excited in every bosom. The writer boldly recommended that, as all the applications to the sympathy and justice of congress had failed of success, an appeal should be made to their fears. Fortunately, the commander in chief was in the

states or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong. By the eighth article, the navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States. By the ninth article, in case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation. By the tenth article, the solemn ratifications of the present treaty exhibited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

* In America, the approach of peace, combined with other causes, produced a state of things alike interesting and critical. The officers who had wasted their fortunes and their prime of life in unrewarded service, fearing, with reason, that congress possessed neither the power nor the inclination to comply with its engagements to the army, could not look with unconcern at the prospect which was opening to them. In December, soon after going into winter quarters, they presented a petition to congress, respecting the money actually due to them, and proposing a commutation of the half-pay stipulated by the resolutions of October, 1780, for a

camp. Though conscious that the officers had just cause of complaint, he was aware that duty to his country, and even friendship for them, required that he should prevent the adoption of rash and disorderly expedients to obtain redress. Calling them together, he, by a calm and sensible address, persuaded them to rely still longer upon the disposition of congress to perform for them whatever the limited means of the nation would permit. In a letter to that body, giving an account of these occurrences, he maintained and enforced the claims of the officers with such pathos and strength of reasoning, that their request was granted.

On the 18th of October, congress issued a proclamation for disbanding the army. This document states, "That, in the progress of an arduous and difficult war, the armies of the United States of America have displayed every military and patriotic virtue, and are not less to be applauded for their fortitude and magnanimity in the most trying scenes of distress, than for a series of heroic and illustrious achievements, which exalt them to high rank among the most zealous and successful defenders of the rights and liberties of mankind; and that, by the blessing of Divine Providence on our cause and our arms, the glorious period is arrived when our national independence and sovereignty are established, and we enjoy the prospect of permanent and honourable peace. The United States, in congress assembled, thus impressed with a lively sense of the distinguished merit, and good conduct of the said armies, do give them the thanks of their country for their long, eminent, and faithful services.* And it is our will and pleasure, that such part of the federal

sum in gross, which, they flattered themselves, would encounter fewer prejudices than the half-pay establishment. Some security that the engagements of the government would be complied with was also requested. A committee of officers was deputed to solicit the attention of congress to this memorial, and to attend its progress through the house.

Among the most distinguished members of the federal government, were persons sincerely disposed to do ample justice to the public creditors generally, and to that class of them particularly whose claims were founded in military service. But many viewed the army with jealous eyes, acknowledged its merit with unwillingness, and betrayed, involuntarily, their repugnance to a faithful observance of the public engagements. With this question, another of equal importance was connected, on which congress was divided almost in the same manner. One party was attached to a state, the other to a continental system. The latter laboured to fund the public debts on solid continental security, while the former opposed their whole weight to measures calculated to effect that object.

In consequence of these divisions on points of the deepest interest, the business of the army advanced slowly, and the important question respecting the commutation of their half-pay remained undecided, when intelligence was received of the signature of the preliminary and eventual articles of peace, between the United States and Great Britain.

The officers, soured by their past sufferings, their present wants, and their gloomy prospects—exasperated by the neglect which they

armies as stand engaged to serve during the war, and as by our acts of the 26th of May, the 11th of

June, the 9th of August, and the 26th of September last, were furloughed, shall, from and after the 3d

experienced, and the injustice which they apprehended, manifested an irritable and uneasy temper, which required only a slight impulse to give it activity. To render this temper the more dangerous, an opinion had been insinuated that the commander in chief was restrained, by extreme delicacy, from supporting their interests with that zeal which his feelings and knowledge of their situation had inspired. Early in March, a letter was received from their committee in Philadelphia, showing that the objects they solicited had not been obtained. On the 10th of that month, an anonymous paper was circulated, requiring a meeting of the general and field officers at the public building on the succeeding day at eleven in the morning; and announcing the expectation that an officer from each company, and a delegate from the medical staff, would attend. The object of the meeting was avowed to be, "to consider the late letter from their representatives in Philadelphia, and what measures (if any) should be adopted to obtain that redress of grievances which they seemed to have solicited in vain."

On the same day an address to the army was privately circulated, which was admirably well calculated to work on the passions of the moment, and to lead to the most desperate resolutions. Full justice can not be done to this eloquent paper without inserting it entire.

"To the officers of the army.

"Gentlemen,

"A fellow soldier, whose interests and affections bend him strongly to you, whose past sufferings have been as great, and whose future fortune may be as desperate as yours, would beg leave to address you.

"Age has its claims, and rank is not without its pretensions, to advise; but though unsupported by both, he flatters himself that the plain language of sincerity and experience will neither be unheard nor unregarded.

"Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field with the necessity that called him to it, and not until then—not until the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils, and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has until lately—very lately—believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in upon us, the coldness and severity of government would relax, and that more than justice, that gratitude would blaze forth upon those hands which had upheld her in the darkest stages of her passage from impending servitude to acknowledged independence. But faith has its limits, as well as temper, and there are points beyond which neither can be stretched without sinking into cowardice, or plunging into credulity. This, my friends, I conceive to be your situation. Hurried to the very verge of both, another step would ruin you for ever. To be tame and unprovoked when injuries press hard upon you, is more than weakness; but to look up for kinder usage without one manly effort of your own, would fix your character, and show the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground upon which we now stand, and from thence carry our thoughts forward for a moment into the unexplored field of expedient.

"After a pursuit of seven long years, the object for which we set out is at length brought within our reach.—Yes, my friends, that suffering courage of yours was active once.—It has conducted the United States of America through a doubtful and a bloody war. It has placed her in the chair of independency; and peace returns again to bless—whom?—A country willing to redress your wrongs, cherish your worth, and reward your services? A country courting your return to private life with tears of gratitude and smiles of admiration—longing to divide with you that independency

which your gallantry has given, and those riches which your wounds have preserved? Is this the case? Or is it rather a country that tramples upon your rights, disdains your cries, and insults your distresses? Have you not more than once suggested your wishes and made known your wants to congress? Wants and wishes which gratitude and policy would have anticipated rather than evaded; and have you not lately, in the meek language of entreating memorials, begged from their justice what you could no longer expect from their favour? How have you been answered? Let the letter which you are called to consider to-morrow reply.

"If this then be your treatment while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division? When those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left but your wants, infirmities, and scars? Can you then consent to be the only sufferers by this revolution, and, retiring from the field, grow old in poverty, wretchedness, and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honour? If you can—go—and carry with you the jest of Tories, and the scorn of Whigs;—the ridicule, and, what is worse, the pity of the world. Go,—starve and be forgotten. But if your spirit should revolt at this; if you have sense enough to discover, and spirit enough to oppose, tyranny, under whatever garb it may assume; whether it be the plain coat of republicanism, or the splendid robe of royalty; if you have yet learned to discriminate between a people and a cause, between men and principles,—awake! attend to your situation, and redress yourselves. If the present moment be lost, every future effort is in vain: and your threats then will be as empty as your entreaties now.

"I would advise you therefore to come to some final opinion upon what you can bear, and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice to the fears of the government. Change the milk-and-water style of your last memorial. Assume a bolder tone,—decent, but lively, spirited, and determined; and suspect the man who would advise to more moderation and longer forbearance. Let two or three men, who can feel as well as write, be appointed to draw up your *last remonstrance*; for I would no longer give it the sullen, soft, unsuccessful epithet of memorial. Let it be represented in language that will neither dishonour you by its rudeness, nor betray you by its fears, what has been promised by congress, and what has been performed;—how long and how patiently you have suffered;—how little you have asked, and how much of that little has been denied. Tell them that, though you were the first, and would wish to be the last to encounter danger; though despair itself can never drive you into dishonour, it may drive you from the field;—that the wound often irritated and never healed, may at length become incurable; and that the slightest mark of indignity from congress now must operate like the grave, and part you forever; that in any political event, the army has its alternative. If peace, that nothing shall separate you from your arms but death; if war, that courting the auspices, and inviting the directions of your illustrious leader, you will retire to some unsettled country, smile in your turn, and 'mock when their fear cometh on.' But let it represent also that, should they comply with the request of your late memorial, it would make you more happy and them more respectable. That while war should continue you would follow their standard into the field; and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause;—an army victorious over its enemies, victorious over itself."

Persuaded as the officers in general were of the indisposition of government to remunerate their services, this eloquent and impassioned address, dictated by genius and by feeling, found in almost every bosom a kindred though latent sentiment prepared to receive its impression. Quick as the train to which a torch is applied, the passions caught its flame, and nothing seemed to be required but

day of November next, be absolutely discharged, by virtue of this our proclamation, from the said service."

the assemblage proposed for the succeeding day, to communicate the conflagration to the combustible mass, and to produce an explosion ruinous to the army, and to the nation.

Fortunately, the commander in chief was in camp. His characteristic firmness and decision did not forsake him in this crisis. The occasion required that his measures should be firm, but prudent and conciliatory,—evinced of his fixed determination to oppose any rash proceedings, but calculated to assuage the irritation which was excited, and to restore confidence in government.

Knowing well that it was much easier to avoid intemperate measures than to correct them, he thought it of essential importance to prevent the immediate meeting of the officers; but, knowing also that a sense of injury and a fear of injustice had made a deep impression on them, and that their sensibilities were all alive to the proceedings of congress on their memorial, he thought it more advisable to guide their deliberations on that interesting subject, than to discountenance them.

With these views, he noticed in his orders, the anonymous paper proposing a meeting of the officers, and expressed his conviction that their good sense would secure them from paying any "attention to such an irregular invitation; but his own duty, he conceived, as well as the reputation and true interest of the army, required his disapprobation of such disorderly proceedings. At the same time, he requested the general and field officers, with one officer from each company, and a proper representation from the staff of the army, to assemble at twelve on Saturday, the 15th, at the new building, to hear the report of the committee deputed by the army to congress. After mature deliberation they will devise what farther measures ought to be adopted as most rational and best calculated to obtain the just and important object in view." The senior officer in rank present was directed to preside, and report the result of the deliberations to the commander in chief.

The day succeeding that on which these orders were published, a second anonymous address appeared, from the same pen which had written the first. Its author, acquainted with the discontents of the army, did not seem to despair of impelling the officers to the desired point. He affected to consider the orders in a light favourable to his views:—"as giving system to their proceedings, and stability to their resolves."

But Washington would not permit himself to be misunderstood. The interval between his orders and the general meeting they invited, was employed in impressing on those officers individually who possessed the greatest share of the general confidence, a just sense of the true interests of the army, and the whole weight of his influence was exerted to calm the agitations of the moment, and conduct them to a happy termination. This was a work of no inconsiderable difficulty. So convinced were many that government designed to deal unfairly by them, that only the reliance they placed on their general, and their attachment to his person and character, could have moderated their resentments so far as to induce them to adopt the measures he recommended.

On the 15th, the convention of officers assembled, and General Gates took the chair. The commander in chief then addressed them in the following terms.

"Gentlemen,—

"By an anonymous summons, an attempt has been made to convene you together. How inconsistent with the rules of propriety, how unmilitary, and how subversive of all order and discipline, let the good sense of the army decide.

"In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the judgment of the army. The author of the piece is entitled to much credit for the goodness of his pen; and I could wish he had as much credit for the rectitude of his heart; for as men see through different optics, and are induced by the reflecting faculties of the mind, to use different means to attain the same end, the author of the address should have had more charity than to mark for suspicion the man who should recommend moderation and longer forbearance; or, in other words, who should not think

New York was evacuated by the British on the 25th of November, and the Americans took possession of the city the same day; and a short time after

as he thinks, and act as he advises. But he had another plan in view, in which candour and liberality of sentiment, regard to justice, and love of country, have no part; and he was right to insinuate the darkest suspicion to effect the blackest design. That the address was drawn with great art, and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief; that the secret mover of this scheme, whoever he may be, intended to take advantage of the passions, while they were warmed by the recollection of past distresses, without giving time for cool deliberate thinking, and that composure of mind which is so necessary to give dignity and stability to measures, is rendered too obvious by the mode of conducting the business to need other proof than a reference to the proceedings.

"Thus much, gentlemen, I have thought it incumbent on me to observe to you, to show upon what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity consistent with your own honour, and the dignity of the army, to make known your grievances. If my conduct heretofore has not evinced to you, that I have been a faithful friend to the army, my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened against it; it can scarcely be supposed, at this last stage of the war, that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser.—If war continues, remove into the unsettled country; there establish yourselves, and leave an ungrateful country to defend itself! But who are they to defend? Our wives, our children, our farms and other property which we leave behind us? Or, in this state of hostile separation, are we to take the two first (the latter can not be removed) to perish in a wilderness with hunger, cold, and nakedness?

"If peace takes place, never sheath your swords," says he, "until you have obtained full and ample justice." This dreadful alternative of either deserting our country in the extremest hour of her distress, or turning our arms against it, which is the apparent object, unless congress can be compelled into instant compliance, has something so shocking in it, that humanity revolts at the idea. My God! what can this writer have in view by recommending such measures. Can he be a friend to the army? Can he be a friend to this country? Rather is he not an insidious foe: some emissary, perhaps, from New York, plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent? And what a compliment does he pay to our understandings, when he recommends measures, in either alternative, impracticable in their nature? But here, gentlemen, I will drop the curtain, because it would be as imprudent in me to assign my reasons for this opinion, as it would be insulting to your conception to suppose you stood in need of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. There might, gentlemen, be an impropriety in my taking notice, in this address to you, of an anonymous production,—but the manner in which that performance has been introduced to the army, together with some other circumstances, will amply justify my observations on the tendency of that writing.

"With respect to the advice given by the author, to suspect the man who shall recommend moderate measures and longer forbearance, I spurn it, as every man who regards that liberty, and reveres

the army was disbanded, and again mingled with their fellow-citizens.*

General Washington, taking an affectionate leave

that justice for which we contend, undoubtedly must; for if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us. The freedom of speech may be taken away, and dumb and silent, we may be led like sheep to the slaughter. I can not in justice to my own belief, and what I have great reason to conceive is the intention of congress, conclude this address, without giving it as my decided opinion, that that honourable body entertain exalted sentiments of the services of the army, and, from a full conviction of its merits and sufferings, will do it complete justice. That their endeavours to discover and establish funds for this purpose have been unwearied, and will not cease until they have succeeded, I have not a doubt.

"But, like all other large bodies, where there is a variety of different interests to reconcile, their determinations are slow. Why then should we distrust them? And, in consequence of that distrust, adopt measures which may cast a shade over that glory which has been so justly acquired, and tarnish the reputation of an army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done? To bring the object we seek nearer? No: most certainly, in my opinion, it will cast it at a greater distance. For myself, (and I take no merit in giving the assurance, being induced to it from principles of gratitude, veracity, and justice, and a grateful sense of the confidence you have ever placed in me,) a recollection of the cheerful assistance, and prompt obedience I have experienced from you, under every vicissitude of fortune, and the sincere affection I feel for an army I have so long had the honour to command, will oblige me to declare in this public and solemn manner, that in the attainment of complete justice for all your toils and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe my country, and those powers we are bound to respect, you may freely command my services to the utmost extent of my abilities.

"While I give these assurances, and pledge myself in the most unequivocal manner to exert whatever abilities I am possessed of in your favour, let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity, and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of congress—that, previous to your dissolution as an army, they will cause all your accounts to be fairly liquidated, as directed in the resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own honour, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wishes, under any specious pretences, to overturn the liberties of our country, and who wickedly attempts to open the flood gates of civil discord, and deluge our rising empire in blood.

"By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice. You will give one more distinguished proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings; and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind, had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

These sentiments from a person whom the army had been accustomed to love, to revere, and to obey; the solidity of whose judgment, and the sincerity of whose zeal for their interests, were alike unquestioned, could not fail to be irresistible. No person was hardy enough to oppose the advice he had given; and the general

of his officers, repaired to Annapolis, where congress was sitting, and there, at a public audience, with dignity and sensibility, resigned his commission as

impression was apparent. A resolution moved by General Knox, and seconded by Brigadier-General Putnam, "assuring him that the officers reciprocated his affectionate expressions with the greatest sincerity of which the human heart is capable," was unanimously voted. On the motion of General Putnam, a committee, consisting of General Knox, Colonel Brooks, and Captain Howard, was then appointed, to prepare resolutions on the business before them, and to report in half an hour. The report of the committee being brought in and considered, the following resolutions were passed.

"Resolved unanimously, that at the commencement of the present war, the officers of the American army engaged in the service of their country from the purest love and attachment to the rights and privileges of human nature; which motives still exist in the highest degree; and that no circumstances of distress or danger shall induce a conduct that may tend to sully the reputation and glory which they have acquired at the price of their blood, and eight years faithful services.

"Resolved unanimously, that the army continue to have an unshaken confidence in the justice of congress and their country, and are fully convinced that the representatives of America will not disband or disperse the army until their accounts are liquidated, the balances accurately ascertained, and adequate funds established for payment; and in this arrangement, the officers expect that the half-pay, or a commutation for it, shall be efficaciously comprehended.

"Resolved unanimously, that his excellency the commander in chief, be requested to write to his excellency the president of congress, earnestly entreating the most speedy decision of that honourable body upon the subject of our late address, which was forwarded by a committee of the army, some of whom are waiting upon congress for the result. In the alternative of peace or war, this event would be highly satisfactory, and would produce immediate tranquillity in the minds of the army, and prevent any further machinations of designing men, to sow discord between the civil and military powers of the United States.

"On motion, resolved unanimously, that the officers of the American army view with abhorrence and reject with disdain, the infamous propositions contained in a late anonymous address to the officers of the army, and resent with indignation the secret attempts of some unknown person to collect the officers together in a manner totally subversive of all discipline and good order.

"Resolved unanimously, that the thanks of the officers of the army be given to the committee who presented to congress the late address of the army; for the wisdom and prudence with which they have conducted that business; and that a copy of the proceedings of this day be transmitted by the president to Major-General M'Dougal; and that he be requested to continue his solicitations at congress, until the objects of his mission are accomplished."

The storm which had been raised so suddenly and unexpectedly being thus happily dissipated, the commander in chief exerted all his influence in support of the application the officers had made to congress.—*Marshall's Life of Washington*, vol. 2, p. 41—50.

* The following eulogium from the lips of an eloquent living statesman, when pleading for the relief of the illustrious survivors, conveys a just idea of the honourable conduct of this band of patriots:—"The army was to be disbanded; but it was unpaid. It was to lay down its own power; but there was no government with adequate power to perform what had been promised to it. In this critical moment, what is its conduct? Does it disgrace its high character? Is temptation able to seduce it? Does it speak of righting itself? Does it undertake to redress its own wrongs by its own sword? Does it lose its patriotism in its deep sense of injury and injustice? Does military ambition cause its integrity to swerve? Far, far otherwise. It had faithfully served and saved the country, and to that country it now referred, with unhesitating confidence, its claim and its complaints. It laid down its arms with alacrity; it mingled itself with the mass of the community; and it waited till, in better times, and under a new government, its services might be rewarded, and the promises made to it fulfilled.

commander in chief of the American armies. Then, with a character illustrious throughout the world, he returned to his residence at Mount Vernon, possessing the sincere love and profound veneration of his countrymen.

The momentous contest, the history of which has occupied the preceding chapters, suggests a train of reflections which, were we to indulge them, would lead us to an extent inconsistent with the character of the work. This struggle between despotism and liberty possesses, indeed, some features that are common to all enterprises of a similar character; but there are others which are peculiar to itself, and which place it in happy contrast with instances both of an earlier and of a more recent date. The great contest when England liberated herself for a season from the iron rule of the Stuarts, resembles in its progress, perhaps more than any other, the American revolution; but how different were its results! In the former case a military despotism succeeded, which rendered the people desirous of the return even of a profligate prince, and facilitated the establishment of an oligarchy, from whose oppression the nation is

We can hardly recur to this example too often, or dwell on it too much, for the honour of our country, and of its defenders."—*The Speeches and Forensic Arguments of Daniel Webster*, p. 356, 357.

* The acquirements of the men who achieved our independence have been greatly underrated. To prove this, we have only to examine the letters written by the officers of the army and the members of congress, from 1774 to the close of the conflict. The literature of the revolution is scattered throughout the history of all the transactions of that eventful period; but in no instance does it shine more conspicuously than in the productions of Washington; he was not a scholar by education or profession; his information was miscellaneous, and by no means extensive, when his early public services began. He knew something of history and mathematics, and something of the military tactics of the day. He, from his youth, saw things, at all times, through a clear medium, and expressed his thoughts with clearness, force, and honesty. His history of his journey to the Ohio, undertaken by the order of Dinwiddie, proves that his judgment was the master trait of his mind. The object of his mission is not a moment forgotten; he looked with a single eye to that object, and he never, for a moment, turned himself, to think of his dangers or his sufferings. At every step such a mind improves. His first address to his army in July, 1775, is full of excellent military rules, but is wanting in that felicitous elegance which he afterwards acquired. He never suffered a sentiment to come from his pen negligently written; all was worked into ease and dignity. No commander that ever lived had so much need of this talent. Others have had to issue orders and to give an account of proceedings; Washington had not only to do these, but other things besides. He had, at times, to perform every duty incident to war, and more, from a pioneer to a field marshal; and from a sutler to a chancellor of the exchequer, at least with his pen; not only this, he had to use every argument to collect troops, and to keep them together, even for the shortest time; apathy was to be aroused; vaulting ambition to be struck down; individual bickerings to be silenced; sectional irritations to be soothed; the quarrelsome and high mettled to be controlled, that the service should not suffer; the faint and despairing to be encouraged; the living to be supported, and heaven, sometimes, only knew how; and the dead were to be duly honoured, according to military usages, when the army had hardly powder enough to fire a volley at the enemy. In all this, the address of Washington was conspicuous, but the pro-

only now making an effort to escape; in the latter, the principles of liberty have been matured, and the grand spectacle exhibited of the existence of lawful and powerful authority, as remote from despotism as the freedom it protects is from licentiousness. If, again, we compare the American revolution to that of which it has the reputation of being a principal, if not the chief cause, how must infidel France blush at the sight of her garments dyed deep in the blood of her sons, to make way, first for a splendid but deceitful military imperialism, and then for the restoration of a priest-ridden dynasty, to purify herself from which she has required a second sacrifice on the altar of liberty! Whence, then, did the efforts we have been narrating derive their superiority, both as to their character and their results? While many have urged the difference of national temperament and external circumstances, which, doubtless, possessed some influence, we feel no hesitation in affirming, that the distinction is mainly to be attributed to the presence of enlightened religious principle, and intellectual argument.* To enter into the arguments which substantiate this assertion would be foreign to

ductions of his pen were more so. He wrote to all, he reasoned with all, and he conquered all. Congress was not at all times in a proper temper to render him the most efficient aid; he was obliged to come upon them in all forms of entreaty; alarming them, at times, by his intimations of leaving the army, using every suggestion which could reach their pride, their patriotism, their honour, courage, or any other faculty, properly, of sympathy, about them. There is not a form of reasoning that he was not obliged to assume; still, every form was pure English, good common sense, in his mother tongue. Cesar wrote his commentaries in the camp, and they are a fine model of chaste and elegant writing; but it must be remembered, that Cesar was a high bred Roman scholar. He was as proud of his eloquence and fine writing, as he was of his fame as a great leader of armies. Wolfe made his addresses and wrote his despatches in the toils and distresses incident to a camp; but these productions are but few, compared with those of Washington. Burgoyne's letters, written in the field, are said to surpass those written in the closet; Nelson's account of the battle of the Nile is sublime; and Bonaparte's address to his soldiers under the pyramids, is full of epic grandeur. But these are momentary bursts of chivalrous feelings; while Washington's addresses, despatches, and letters, to every one, in every part of the country, was a continued exertion of reason, to save his country. When the memory of individual exertion shall be lost, and history shall only speak, in general terms, of the revolutionary conflict, these letters and addresses of Washington will preserve the particular scenes of that day, and bring them at once to the understanding of men. In looking carefully over his productions already published, I cannot find in them one word that is not pure, legitimate English; good Saxon English, through which runs the best currents of true liberty in, thinking and acting, of any language that can be found, at any time or place.

The close of the war of independence, when the people fondly thought that they were about to be rewarded for all their sacrifices, was the most painful period of our history. At that time, from 1783 to 1789, almost every one found his affairs in a deranged state. The state debts which had been made in hopes of prosperous times, then operated severely on all classes in the community. To pay their debts with promptness was impossible, and every relief-act only made the matter worse. It was then that the people found that the great work of independence, as contemplated at the begin-

the purpose of historic narrative. Any reader who has given impartial attention to the tone of piety which pervades the public acts of the congress of

America, and of her principal leaders, especially those of the commander in chief, as well as the spirit of the people at large, with some exceptions, will not

ring of the conflict, was only half done; a form of government was to be fixed upon, to give energy to national power, and success to individual and national enterprise. This portentous crisis formed another epoch for the display of the literary and political attainments of the active and patriotic minds in our country. New men appeared on the important discussion of the adoption of the federal constitution in the several state conventions; and it was found that the quantity of talent and information in the country had greatly increased during the war; and that its standard quality was equally good and precious as that which had been assayed at the commencement of the difficulties. A thousand intellectual lamps were lighted up along our shores, to show the people in what darkness they were groping, and to what a precipice they were hastening. A baleful meteor now and then led the people for a moment astray, but at length the right path was found, and the nation commenced its march onward to prosperity and honour.

Perhaps it were well to pause a moment and name a few of those who displayed their literature and eloquence at this important period. They left unexplored no portion of history. They passed by no lesson of experience; all were faithfully examined and thoroughly sifted, and the people had the benefits of the results. That nation cannot be long in danger that can, on any great event, command her physical and mental powers for her safety and guide.

It was felt by all thinking men, in every part of the country, that the old confederation was no longer a sufficient bond of union. The great pressure of common danger, which had kept all secure, had in a great measure ceased, and the people were hurrying fast on to anarchy, for want of a government that could enforce its requisitions.

From these conventions much of the nature of our people, their habits of thinking, and reasoning, and feeling, may be gathered. In looking over the debates in the several conventions in the different states, we find a great deal of talent displayed, from New Hampshire to Georgia; and we may also see that the education of each state had been nearly on the same model; for in reading the speeches of all, a foreigner would at once pronounce that the orators were trained in the same school. The style of eloquence may vary a little, but the language used in the debates is all in the good old English books. They had the same jealousies, the same hopes and fears, and the same determinations. These jealousies had taken rank hold of common minds in every portion of the country; but it is not too much to say, that those in favour of adopting the constitution were generally of the higher classes of intellect, and those who had most at stake, although it must be conceded that there were many exceptions to this remark. The speakers in favour of adopting the constitution far outnumbered those opposed to it, in proportion to the majority obtained for the final vote.

In the convention of Massachusetts, there were, out of three hundred and fifty-five members, sixty-seven speakers, and not more than eight or ten ventured to oppose the constitution in debate; and yet there were, after every exertion, but a majority of nineteen in favour of the adoption of it. In the convention of New York, which consisted of about sixty members, there was only a majority of two in favour of the adoption; and among the thirteen speakers, there were only two or three in the negative. The talents were certainly on the side of the adoption; the impressions of the people were at first decidedly against it, from the fear that they were giving up too much of their hard earned liberty, and not from any wish to live in a state of anarchy. It must, however, be taken into consideration, that forty years have elapsed since these debates were reported; and at that time the art of reporting speeches was but little known; and it cannot be supposed that in cases where the speakers did not assist the reporters, that we have any thing more than the skeletons of the speeches delivered. The convention of Massachusetts were together from the 9th of January, 1788, to February 7th, twenty-nine days, at which time there were nearly two hundred speeches made; and among the orators some of the first men New England ever produced: Parsons, Ames, Cabot, Gore, King, Dana, Jarvis, Strong, Brooks, Dawes, and others, who

exhausted every subject they discussed. The whole of these speeches is comprised in one hundred and fifty octavo pages; and from a comparison of their different styles of speaking on other subjects, I find that the reporter's, not the speaker's style, is to be seen; still, however, much credit is due to him for getting these debates up so well as he did at that time. The New York orators were fortunate, for they undertook to assist the reporter, and of course posterity will have a fair view of their arguments. It must be granted that the New York convention was a highly intellectual body.

Virginia, always true to her native talents, had an experienced reporter in the convention to take down the debates; and fortunately for us, he extended them to three volumes, amounting to six hundred and twelve closely printed pages; and although that body was in session but twenty-six days, and only thirteen or fourteen members attempted to speak, yet we have more matter from these speeches than from the Massachusetts and New York reports together. Those in the Virginia convention, in favour of adopting the proposed constitution, who distinguished themselves by their speeches, were Messrs. Nicholas, Randolph, Madison, Pendleton, Marshall, and Tyler. Those opposed to its adoption, were Patrick Henry, Mason, Monroe, Grayson, and Dawson. Mr. Madison took a very active part, and spoke more than any other member in the convention, although all those mentioned were deeply engaged. It will not be denied, at this day, that throughout the thirteen United States, in these debates on establishing a form of government, a majority of the talents was on the side of the constitution; yet there were able men opposed to it. When the main question was taken, the plurality in Virginia was only ten—eighty-nine voting in the affirmative, and seventy-nine in the negative. The question was ably argued on both sides, and the objections very honestly given. Patrick Henry, and those who acted with him, were fearful of the loss of state influence. They were alarmed at the expression, "we, the people." They saw in this phrase a consolidation of interests which was not consistent with state pride; while, in many states, the people were afraid that individual rights would be lost. These different jealousies were shown at every movement of the states; but at last were happily overcome by the perseverance of the friends of the constitution. A victory was obtained more difficult to achieve than any; yea, than all those of arms which had been gained in the revolutionary struggle. These jealousies were natural, but the conquest over them was glorious.

It is to be regretted, that so many of the speeches of the members of the different conventions, are irrevocably lost for the want of a proper reporter at the time, and from inattention since. It is a mortifying truth that more of our history, or more of the minute facts of which our history has been composed, have been preserved by other nations than by ourselves. The nations of Europe considered our case a new one in the annals of the world; and some of their curious speculators on the progress of events, took infinite pains to procure all the information to be had in respect to us and our proceedings. The Italian historian, Botta, not only procured all the information he could, but set down and wrote the history of our revolution with great fairness, and with tolerable accuracy. Professor Ebeling, of Germany, had the intention, it is said, of writing out our whole history, and collected a great mass of materials for that purpose. The history he did not write; but we have, through the medium of an individual, the benefit of his collections; they having been purchased and brought to this country.

There is one work which deserves our notice, and which ought to be republished, as there are but few copies of it in this country: "The Remembrancer, or an Impartial Repository of Public Events." This work was begun by J. Almon, and published in monthly numbers, in London. It extends over the whole time of the revolution, from 1775 to 1783, and amounts to fourteen volumes, as collected and bound. The work was friendly to the cause of America, and was supported by the friends of this country at that time, and is remarkable for its candour, truth, and fidelity. One already possessed of the general outlines of the great contest between the colo-

for one moment deny that religious principle, and success in the arduous conflict, and well-ordered

nies and the mother country, will find in this work more valuable documents, of a particular and circumstantial nature, to aid him in getting a minute history of his country at that period, than he can in any other work extant. Every one who has read history with attention, and with a desire to gain knowledge, will frequently find that there are a thousand little chinks left by the general writer, that he could wish to see filled up; but knows not where to seek for the facts he is anxious to find. As to the history of our revolution, these volumes will greatly assist him. It has been a fruitful source for the historians themselves. The Remembrancer is something like Niles' Register, and is now what that will be to the future historians of our country. We are deeply indebted to the friends of our cause, at that period, in every part of the world, for their helping hand and good wishes; without which we might have fainted in reaching the goal and obtaining the prize; gratitude should remember what benevolence has forgotten.

After these great exertions for the adoption of the federal constitution had been made in the state conventions, and indeed while they were making, and the question was under discussion, a great deal was written by men of enlightened minds, and given to the public, to clear up the difficulties which had been suggested by those opposed to the form of government provided for in the constitution. Mr. Jay, Mr. Madison, and Mr. Hamilton, brought all the powers of their mighty minds, to satisfy the people that they were doing wisely to support the constitution, not only in convention, but by a series of letters in the public prints. These periodicals, now acknowledged as their productions, unite the soundest maxims of good government, with the clearest and best illustrations of the best forms in which it could appear. These productions may be said to have fixed the public mind. The relations and bearings of the provisions of the constitution, were so distinctly pointed out in them, that all could understand; and such was the correctness and beauty of the style of these numbers, that by them the taste of the country was refined, as well as the views of the citizens enlarged, and their understandings enlightened. I shall not stop, at this moment, to point out the part each one took in this great labour; but simply make this passing remark, that the *Federalist* stands foremost among American literary productions, whether we consider the subject, the matter, or style of the work, or its usefulness in explaining the views of those learned statesmen who achieved the second part of our independence. The effect of this work was such, that in a few years after it gained general circulation, there was scarcely a man to be found who questioned the propriety of the adoption of the constitution.

The valour which fought out the battles of the revolutionary war, and finally drove the enemy from our shore, and the wisdom which suggested our excellent form of government, and the address and perseverance which led to its adoption, were more than equalled by the wisdom and prudence with which the machinery was set in motion. The first congress under the constitution, was composed of great men; most of them had been reared in the school of experience, and had been employed previously in considering that instrument; in order to assist in forwarding its adoption, they came to their congressional duties with a spirit of forbearance, ready to sacrifice all local prejudices on the altar of their country's good. What the knowledge and experience of one did not reach, the ingenuity of the other suggested, and all went on harmoniously and successfully. There was a delicacy shown to each other in that body, generally speaking, which has never been felt or exhibited since; and perhaps it has never since been so necessary as at that time. The eyes of the community were turned towards congress as towards the trying of an experiment, of which there were nearly as many fears as hopes. To use a phrase from the laws of the solar system, its polarity was inclined towards democracy, as being more congenial to the feelings of the people, and more consistent with the elements of our society, than a stronger government would have been. The people reasoned from expanded views of human nature, and a thorough acquaintance with history. They saw that despotic power destroys the oak of liberty, by cutting up root and branch, and by striking the soil on which it grows with dead ste-

liberty as the result, are here closely associated; and if there be any bold enough—we had almost said

rility; while anarchy, if it comes at all, comes in a whirlwind with a hundred hands, and scatters the leaves and breaks the branches; but the root is not always left sapless; and the acorn, trodden under foot, may burst its germ and spring into life, and flourish in a new generation. Violent political discussions often pass away, and leave the lessons of experience to be felt and regarded; but nations rarely recover from the paralysis of despotism. Our ancestors saw the mother country, even in all the disasters and horrors of civil wars, advance in power and influence, while Spain, in the quiet of arbitrary power, was fast sinking into a secondary importance. In England the most useful institutions, and many of her learned men, grew up immediately after a civil war, or in it; while with all the influx of gold from the new world, learning and the arts declined at the same time, in the calm of Spanish despotism.

The literature of nations may be seen, in some measure, in the style in which their laws are written, and by their state papers. We judge of the state of the Romans by the style of the Justinian code, as well as by the poets of the Augustan age. In fact, the style of the laws is a better proof of the general advancement of knowledge, than that of the works of a few poets. The laws reflect the general intelligence, while poetry is perhaps only the reflected imagery of a few individual minds. The laws of the United States show a great extent of knowledge in the civil and commercial relations of society and nations. No country ever produced so many laws in so short a period of time. These laws and regulations are, in general, clear and explicit; sometimes they are marked with the peculiar phraseology of a particular state, as borrowed from the statute book of that state; but this is not perceptible to any one but those deeply read in these state laws. Every day's business is giving a more entire national stamp to the statute book of the United States; and the numerous and lucid decisions of the supreme court have produced uniform constructions in the laws which were in some degree differently construed in different sections of this extended country, at the commencement of our national career.

The style of our state papers has been of a high order, in point of clearness and correctness, the great requisites in communications of a public nature. The first secretaries were men of industry and learning, and they spared no pains to leave on record proofs of their abilities as makers of precedents. A responsible situation, indeed; several of these men were prime scholars, and felt that they were making models for future ages. It is a subject of congratulation to us, that so many patient, industrious, and learned men, were, at that period, found for the discharge of such important duties. The anxiety of the first president to have every thing well matured, and clearly expressed, was favourable for the commencement of such an order of things. The duties of high political officers are always laborious and painful; but when there were but few or no landmarks to guide them, it must have been difficult indeed to have steered so correctly.

Much debating talent had been shown in congress in every stage of organizing and making these laws, the passage of which circumstances imperiously demanded; but there was no particular display of eloquence from any side of the house, until the British treaty called it forth; and perhaps, at no time since, have higher powers been developed in our national assembly, than on that subject. The champions, for and against, came forward and fought valiantly. It was a new question; and there might have been some honest differences; but it was debated upon party grounds, and so decided. Who were right or who were wrong it matters not; it is mentioned as an era in our eloquence, so memorable, that American talent, in speaking, is never mentioned without some allusion to the debate on Jay's treaty.

Literature and science are near in their relationship, and seldom known to be far separated. Literature has generally received more attention in the early ages of nations than science. The sweet influences of Orion and Pleiades had been sung for ages in poetry, before science had marked their courses or weighed them in her balance; and science, after all the discoveries she has made, has adopted the terms used by taste and imagination, long before these discoveries were thought of. Every profession, to be respecta-

profane enough—to gainsay the relation of cause and effect in this case, we scarcely know which to deem most at fault, his understanding or his heart.

CHAPTER III.

WASHINGTON'S ADMINISTRATION.

In every department of nature violent efforts are succeeded by a corresponding exhaustion; and the

ble, must unite both in some degree. Without both, they are only trades, possessing neither dignity, nor refinement, nor interest. Bacon was the first among the lawyers who brought taste into the science of the profession. For this, he was derided by Coke as unsound and fanciful. Bacon could do nothing without leaving the impressions of mind, taste, and elegant novelty, upon it. He laid hold of all the fabulous history of gods, and demigods, and heroes, and laid bare its hidden meaning, and, by his explanations, gave utility, point, and beauty, to that which before seemed useless, dull, and extravagant. It is the pride of the present day, that his fame has been defended, and his honesty proved, by one of our own countrymen, after it had been surrounded by falsehood and prejudice, for more than a century and a half. A writer of the first talents, in the *North American Review*, a few years since, had the honour of showing the world, that Bacon deserved the epithets, *brightest, wisest of mankind*; but that "*meanest*" was added at first by *wickedness*, and perpetuated by one who cared but little whether the epithet was just or unjust, if he could make the libel "*point a moral, or adorn a tale.*" Bacon treated the law as a science capable of employing the graces of literature. After a considerable interval, Blackstone wrote his commentaries, which proved that the fundamental principles of law might be conveyed, even in a choice and clear style, without any quaintness, abruptness, or tedious repetition; and, like other subjects of less gravity, Lord Mansfield delivered his opinions in the best phraseology the English language would permit of in argument or illustration. The lawyers of our own country were men of learning before the revolution, but the manner of arguing at the bar, to the court or jury, was not remarkable for refinement or delicacy. Coarse attacks and sharp retorts were common between members of the bar; and the court either maintained a hard-featured silence, or broke in upon their sparrings with surly dignity. That gentlemanly courtesy, which reigns from one part of our country to another, among judges and advocates, was, for many years, unknown, or thought improper for a tribunal of justice. Not only the arguments of counsel, but the opinions of the bench, are now given with some regard to literary taste; and one not acquainted with law terms, may read the reports without being offended with a parade of technical terms or involved sentences. This branch of science is rapidly increasing; already we have more than three hundred volumes of American reports in law and equity; and, as the present generation of lawyers must go through such a mass of American law decisions, it is fortunate that some regard has been paid to the style in which these cases are made up. Some of these opinions might be selected, which have the freshness and spirit of animated truth conveyed in exquisite taste. Facts are not the less forcible, because they are happily arranged, nor reasonings less convincing, because they are well expressed. The professional men are trying to diffuse as much intelligence and taste in the community as possible, in order that a day of purer literature should succeed. Much has been done, and much more has been planned to be effected hereafter; the numerous agents are busy, and in concert and harmony, in the great work of spreading the sciences and literature throughout the land.

The literature of theology, in this country, suffered, as well as the literature and science of other professions, during the revolution. The pulpit rang with patriotism and politics, and harangues

struggles of a nation for liberty and independence afford no exception to this universal law. From the evils inseparable from such contests, the pusillanimous and the sordid may urge arguments in favour of what they deem a prudent and profitable submissiveness to arbitrary sway; but the lover of freedom, while he will not deny that there are evils in national convulsion, even when necessitated by the most justifiable causes, will still scorn to evade them by a base servility; and ill does it become those who have rendered such evils inevitable, to attempt to

upon the good and sound christian duty of fighting for freedom; all very excellent lessons for the times, and which certainly had their uses. After the warning appeals to the brave defenders of the country, it was dull to go back to detailing the enormities of papal power, or speaking of the *great beast of seven heads and ten horns*; therefore his holiness was left quite alone, except now and then in some good man's form of prayer, from which the epithets of abhorrence for Babylon never had been expunged. Dissertations on Antinomians, Pelagians, and all the host of sectarians, had begun to grow stale, and the doctrines of eternal decrees and predestination were not so attractive to the new generations as they had been to their fathers. From all appearances, the timid began to fear that the pulpit had lost its legitimate, primitive influences. Under this impression, many were turned from the study of this profession, who were intended for it by their parents, and engaged in medicine or law. At this weak moment, if the defenders of the faith will allow that there ever were such moments, infidelity reared its monstrous head, and stalked through our part of christendom with gigantic strides; but, as it has often happened, that which threatened destruction to the altar and the priest, was the cause of giving new and lasting honour to both. Infidelity had for years been disseminated by the philosophers into inquisitive minds, but had never come upon us in the form of popular eloquence, and had not reached common minds engaged in ordinary pursuits, until about the time of the French revolution; it now came under the potential form of superior wisdom, free from the thralldom of error. It dealt out a strong denial of the great truths of the gospel, and made impudence, with now and then a flash of witty scurrility, pass for common sense and true reasoning upon the revelations of God to man, through nature and her laws, and by the inspirations of holy writ. At first, great shipwreck was made of the faith of thousands; the weak were bewildered, and the unlearned entangled. The truly pious still believed that the church was built upon a rock, and that the gates of hell should not, finally, prevail against it; yet they were discouraged at the progress of infidelity, and were cut to the heart at hearing the authenticity of the scriptures doubted, and the ministers of our holy religion ridiculed in every possible form of contempt; called by opprobrious epithets; charged with ignorance and hypocrisy; and their downfall prophesied with confidence and joy. For a while there was some confusion in the church, but the purest men soon roused themselves from idleness, or rather from idle disputes about trifles, or non-essentials, and many of them plunged into the depths of learning, to answer the falsehoods and sneers of the scoffers, who laid pretensions to having penetrated into the recesses of oriental literature, and having detected the errors of christianity. The contest was animated, and the ministers of light struggled hard with the ministers of darkness. Great minds entered the contest, and, after a while, the dreams of Condorcet and the scurrilities of Paine, were swept away together, and infidelity was first scouted by learning, piety, and taste, and, at length, proscribed by the irresistible power of fashion. The works of Watson and Tytler, and, towards the close of the struggle, of many others, were found, not only in the hands of the polemic, or in the library of the speculative, but on the toilets of the fair, with the last work of the imagination from Southey or Campbell; for the ecclesiastical writers had added to the science of theology the most sublime of all contemplations, the charms of

cast the odium of them on the noble and self-denying efforts of the patriot.

The exhausting effect of their exertions was felt by the people of the United States for a considerable period after peace, as well as independence, had been secured. The enthusiasm of a popular contest terminating in victory, began to subside, and the sacrifices of the revolution soon became known and felt. The claims of those who toiled, and fought, and suffered in the arduous struggle, were strongly urged, and the government had neither resources nor power to satisfy or to silence them. The federal head had no separate or exclusive fund. The members of congress depended on the states which they respectively represented, even for their own maintenance, and money for national purposes could only be obtained by requisitions on the different members of the confederacy. On them it became necessary immediately to call for funds to discharge the arrears of pay due to the soldiers of the revolution, and the interest on the debt which the government had been compelled to contract. The legislatures of the different states received these requisitions with respect, listened to the monitory warnings of congress with deference, and with silent and inactive acquiescence. Their own situation, indeed, was full of embarrassment. The wealth of the country had been totally exhausted during the revolution. Taxes could not be collected, because there was no money to represent the value of the little personal property which had not been, and the land which could not be, destroyed; and commerce, though preparing to burst from its thralldom, had not yet had time to restore to the annual produce of the country its exchangeable value. The states owed each a heavy debt for local services rendered during the revolution, for which it was bound to provide, and each had its own domestic government to support. Under these circumstances, it is not surprising that each state was anxious to retain for its own benefit the small but rising revenue derived from foreign commerce; and that the custom-houses in each commercial city were considered as the most valuable sources of income which the states possessed. Each state, therefore, made its own regulations, its tariff, and tonnage duties, and, as a natural consequence, the different states clashed with each other; one nation became more favoured

than another under the same circumstances; and one state pursued a system injurious to the interests of another. Hence the confidence of foreign countries was destroyed; and they would not enter into treaties of commerce with the confederated government, while they were not likely to be carried into effect. A general decay of trade, the rise of imported merchandise, the fall of produce, and an uncommon decrease of the value of lands, ensued.

The distress of the inhabitants was continually on the increase; and in Massachusetts, where it was most felt, an insurrection of a serious character was the consequence. Near the close of the year 1786, the populace assembled to the number of two thousand, in the north-western part of the state, and, choosing Daniel Shays their leader, demanded that the collection of debts should be suspended, and that the legislature should authorize the emission of paper money for general circulation. Two bodies of militia, drawn from those parts of the state where disaffection did not prevail, were immediately despatched against them, one under the command of General Lincoln, the other of General Shepard. The disaffected were dispersed with less difficulty than had been apprehended, and, abandoning their seditious purposes, accepted the proffered indemnity of the government.

The time at length came when the public mind gave tokens of being prepared for a change in the constitution of the general government—an occurrence the necessity of which had long been foreseen by Washington, and most of the distinguished patriots of that period. Evil had accumulated upon evil, till the mass became too oppressive to be endured, and the voice of the nation cried out for relief. The first decisive measures proceeded from the merchants, who came forward almost simultaneously in all parts of the country, with representations of the utter prostration of the mercantile interests, and petitions for a speedy and efficient remedy. It was shown, that the advantages of this most important source of national prosperity were flowing into the hands of foreigners, and that the native merchants were suffering for the want of a just protection and a uniform system of trade. The wise and reflecting were convinced that some decided efforts were necessary to strengthen the general government, or that a dissolution of the union, and perhaps a devastating anarchy, would be inevitable.

literature and taste. The reading and thinking part of the community were delighted to witness the commencement of a new era in the rhetoric, eloquence, and logic of the pulpit; useless divisions and subdivisions, and their scholastic divinity, with loose and spongy declamation, gave place to fair inductions, correct illustrations, and philanthropic views. The ways of God to man were satisfactorily justified to the understandings of the mighty in in-

tellect, and to the humble and lowly seekers of the truth. Religion wore the smile of innocence and the robe of purity, as she was destined to do from the beginning. The charms of a delicate and finished literature now came from the pulpit, and the temple of God became, as it ought ever to be, a place of instruction for the mind and for the affections, as well as for learning the great doctrines of salvation.—*American Editor.*

The first step towards a general reformation was rather accidental than premeditated. Certain citizens of Virginia and Maryland had formed a scheme for promoting the navigation of the Potomac and Chesapeake Bay, and commissioners were appointed by those two states to meet at Alexandria, and devise some plan of operation. These persons made a visit to Mount Vernon, and while there, it was proposed among themselves that more important objects should be connected with the purpose at first in view, and that the state governments should be solicited to appoint other commissioners, with enlarged powers, instructed to form a plan for maintaining a naval force in the Chesapeake, and also to fix upon some system of duties on exports and imports in which both states should agree, and that in the end congress should be petitioned to allow these privileges. This project was approved by the legislature of Virginia, and commissioners were accordingly appointed. The same legislature passed a resolution recommending the design to other states, and inviting them to unite, by their commissioners, in an attempt to establish such a system of commercial relations as would promote general harmony and prosperity. Five states only, in addition to Virginia, acceded to this proposition, namely, Maryland, Delaware, Pennsylvania, New Jersey, and New York. From these states commissioners assembled at Annapolis, but they had hardly entered into a discussion of the topics which naturally forced themselves into view, before they discovered the powers with which they were intrusted to be so limited, as to tie up their hands from effecting any purpose that could be of essential utility. On this account, as well as from the circumstance that so few states were represented, they wisely declined deciding on any important measures in reference to the particular subject for which they had come together. This convention is memorable, however, as having been the prelude to the one which followed. Before the commissioners adjourned, a report was agreed upon, in which the necessity of a revision and reform of the articles of the old federal compact was strongly urged, and which contained a recommendation to all the state legislatures for the appointment of deputies, to meet at Philadelphia, with more ample powers and instructions. This proposal was eventually carried into effect, and, in conformity with it, a convention of delegates from the several states met at Philadelphia in May, 1787. Of this body of eminent statesmen, George Washington was unanimously elected president. They deliberated with closed doors during a period of four months. One party in the convention was anxious to enlarge,

another to abridge, the authority delegated to the general government. This was the first germ of parties in the United States; not that materials were wanting, for the dissensions of the revolution had left behind some bitterness of spirit, and feelings that only awaited an opportunity for their disclosure. The divisions in the convention proved the foundation of many a subsequent struggle. At length a constitution was agreed on, which, after being reported to congress, was submitted for ratification to conventions held in the respective states. This constitution differs, in many important particulars, from the articles of confederation; and, by its regulations, connects the states more closely together, under a general and supreme government, composed of three departments, legislative, executive, and judicial; and invested with powers essential to its being respected, both by foreign nations and the states whose interest it was designed to secure. The provisions and characteristics of this interesting and important political code, will receive the consideration to which they are so justly entitled in another department of our work.

As that party which was desirous to extend the powers of the constitution, had been the most anxious for the formation of this system, and the most zealous advocates for its adoption, it almost naturally followed that the administration of it was committed to their hands. This party, which might, from their opinions, have been denominated nationalists, or, in more modern phraseology, centralists, acquired the name of federalists, while the appellation of anti-federalists was given to their antagonists. The latter, ardently attached to freedom, imagined that rulers, possessing such extensive sway, such abundant patronage, and such independent tenure of office, would become fond of the exercise of power, and in the end arrogant and tyrannical. The former, equally devoted to the cause of national liberty, contended that to preserve it an energetic government was necessary. They described, with powerful effect, the evils actually endured from the inefficiency of the confederation, and demanded that a trial at least should be made of the remedy proposed.

In eleven states, a majority, though in some instances a small one, decided in favour of the ratification of the constitution. Provision was then made for the election of the officers to compose the executive and legislative departments. In the highest station, the electors, by a unanimous vote, placed the illustrious Washington; and to the office of vice-president, by a vote nearly unanimous, they elevated John Adams, who, in stations less conspicuous, had, with equal patriotism, rendered important services to his country. On

the 23d of April the president elect arrived at New York, where he was received by the governor of the state, and conducted, with military honours, through an immense concourse of people, to the apartments provided for him. Here he received the salutations of foreign ministers, public bodies, political characters, and private citizens of distinction, who pressed around him to offer their congratulations, and to express their joy at seeing the man who had the confidence of all, at the head of the American republic. On the 30th of April the president was inaugurated. Having taken the oath of office in an open gallery adjoining the senate chamber, in the view of an immense concourse of people, who attested their joy by loud and repeated acclamations, he returned to the senate chamber, where he delivered the following appropriate address:—

“Fellow-citizens of the Senate,
and of the House of Representatives:

“Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years: a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is, that, if in accepting this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow citizens, and have thence too little consulted my incapacity as well as disinclination, for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequen-

ces be judged by my country, with some share of the partiality in which they originated.

“Such being the impressions under which I have in obedience to the public summons, repaired to the present station, it will be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency. And in the important revolution just accomplished in the system of their united government, the tranquil deliberations, and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

“By the article establishing the executive department, it is made the duty of the President, ‘to recommend to your consideration such measures as he shall judge necessary and expedient.’ The circumstances under which I now meet you, will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which

adorn the characters selected to devise and adopt them. In these honourable qualifications, I behold the surest pledges, that, as on one side no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests ; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality ; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world.

"I dwell on this prospect with every satisfaction which an ardent love for my country can inspire. Since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness—between duty and advantage—between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity ; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained : and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally*, staked on the experiment intrusted to the hands of the American people.

"Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the constitution, is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good. For I assure myself, that whilst you carefully avoid every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience ; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregably fortified, or the latter be safely and advantageously promoted.

"To the preceding observations I have one to add, which will be most properly addressed to the

House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honoured with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department ; and must accordingly pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

"Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave ; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since he has been pleased to favour the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government, for the security of their union, and the advancement of their happiness ; so his divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend."

In their answer to this speech, the senate say, "The unanimous suffrage of the elective body in your favour, is peculiarly expressive of the gratitude, confidence, and affection of the citizens of America, and is the highest testimonial at once of your merit, and their esteem. We are sensible, sir, that nothing but the voice of your fellow citizens could have called you from a retreat, chosen with the fondest predilection, endeared by habit, and consecrated to the repose of declining years. We rejoice, and with us all America, that, in obedience to the call of our common country, you have returned once more to public life. In you all parties confide ; in you all interests unite ; and we have no doubt that your past services, great as they have been, will be equalled by your future exertions ; and that your prudence and sagacity, as a statesman, will tend to avert the dangers to which we were exposed, to give stability to the present government, and dignity and splendour to that country, which your skill and valour, as a soldier, so eminently contributed to raise to independence and to empire."

The affection for the person and character of the president with which the answer of the house of representatives glowed, promised that between this branch of the legislature also and the executive, the most harmonious co-operation in the public service might be expected.

"The representatives of the people of the United States," says this address, "present their congratulations on the event by which your fellow citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honour, of being the first magistrate, by the unanimous choice of the freest people on the face of the earth."

After noticing the several communications made in the speech, intense of deep felt respect and affection, the answer concludes thus :

"Such are the sentiments with which we have thought fit to address you. They flow from our own hearts, and we verily believe that among the millions we represent, there is not a virtuous citizen whose heart will disown them.

"All that remains is, that we join in your fervent supplications for the blessing of heaven on our country; and that we add our own for the choicest of these blessings on the most beloved of her citizens."

The government being now completely organized, and a system of revenue established, the president proceeded to make appointments of suitable persons to fill the offices which had been created.* After a laborious and important session, in which perfect harmony subsisted between the executive and the legislature, congress adjourned on the 29th of September to the first Monday in the succeeding January.

At the next session of congress, which commenced in January, 1790, Mr. Hamilton, the secretary of the treasury, made his celebrated report upon the public debts contracted during the revolutionary war. Taking an able and enlarged view of the advantages of public credit, he recommended that not only the debts of the continental congress, but those of the states arising from their exertions in the common cause, should be funded or assumed by the general government; and that provision should be made for paying the interest, by imposing taxes on certain articles of

luxury, and on spirits distilled within the country. The report of the secretary was largely discussed, and with great force of argument and eloquence. In conclusion, congress passed an act for the assumption of the state debts, and for funding the national debt. By the provisions of this act, 21,500,000 dollars of the state debts were assumed in specific proportions; and it was particularly enacted, that no certificate should be received from a state creditor which could be "ascertained to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, during the same." Thus was the national debt funded upon principles which considerably lessened the weight of the public burdens, and gave much satisfaction to the public creditors. The produce of the sales of the lands lying in the western territory, and the surplus product of the revenue, after satisfying the appropriations which were charged upon it, with the addition of two millions which the president was authorized to borrow at five per cent., constituted a sinking fund to be applied to the reduction of the debt. The effect of these measures was great and rapid. The permanent value thus given to the debt produced a result equal to the most favourable anticipations. The sudden increase of monied capital derived from it invigorated commerce, and consequently gave a new stimulus to agriculture.

It has already been stated, that when the new government was first organized, but eleven states had ratified the constitution. Afterwards North Carolina and Rhode Island, the two dissenting states, adopted it; the former in November, 1789, the latter in May, 1790. In 1791, Vermont adopted it, and applied to congress to be admitted into the union. An act was also passed, declaring that the district of Kentucky, then part of Virginia, should be admitted into the union on the 1st day of June in the succeeding year.

During the year 1790, a termination was put to the war which, for several years, had raged between the Creek Indians and the state of Georgia. Pacific overtures were also made to the hostile tribes inhabiting the banks of the Sciota and the Wabash. These being rejected, an army of fourteen hundred men, commanded by General Harmer, was despatched against them. Two battles were fought near Chillicothe, in Ohio, between successive detach-

* At the head of the department of state he placed Mr. Jefferson; at the head of the treasury, Colonel Hamilton; at the head of the war department, General Knox; in the office of attorney-general, Edmund Randolph; at the head of the judicial department,

Mr. Jay. The associate justices were John Rutledge, of South Carolina, James Wilson, of Pennsylvania, William Cushing, of Massachusetts, Robert Harrison, of Maryland, and John Blair, of Virginia.

ments from this army and the Indians, in which the latter were victorious. Emboldened by these successes, they continued to make more vigorous attacks upon the frontier settlements, which suffered all the distressing calamities of an Indian war. Additional troops were raised, and the command of the whole, amounting to nearly two thousand men, was given to General St. Clair. By desertion and detachments, this force was, however, reduced to fourteen hundred, when, on the 3d of November, 1791, they encamped a few miles from the villages on the Miami. But before sunrise the next morning, just after the troops were dismissed from the parade, they were attacked unexpectedly by the Indians. The new levies, who were in front, rushed back in confusion upon the regulars. The latter, however, with great intrepidity, advanced into the midst of the enemy, who retired from covert to covert, keeping always beyond reach, and again returning as soon as the troops were recalled from pursuit. At length, after a contest of three or four hours, St. Clair, whose ill-health disabled him from performing the active duties of commander, determined to withdraw from the field the remnant of his troops; fortunately, the victorious Indians preferred the plunder of the camp to pursuit, and the vanquished continued their retreat unmolested to the frontier settlements. In this battle, the numbers engaged on each side were supposed to be equal. Of the whites, the slaughter was almost beyond example. Six hundred and thirty were killed and missing, and two hundred and sixty were wounded—a loss which proves at once the obstinacy of the defence, and the bravery of the assailants. On receiving information of this disaster, congress, resolving to prosecute the war with increased vigour, made provision for augmenting, by enlistment, the military force of the nation to five thousand men.

In the course of this year was completed the first census or enumeration of the inhabitants of the United States. They amounted to 3,921,326, of which number 695,655 were slaves. The revenue, according to the report of the secretary of the treasury, amounted to 4,771,000 dollars, the exports to about nineteen, and the imports to about twenty millions. A great improvement in the circumstances of the people began at this period to be visible. The establishment of a firm and regular government, and confidence in the men whom they had chosen to administer it, gave an impulse to their exertions which bore them rapidly forward in the career of prosperity.

Pursuant to the authority contained in the several acts on the subject of a permanent seat of the govern-

ment of the United States, a district of ten miles square for this purpose was fixed on, comprehending lands on both sides of the River Potomac, and the towns of Alexandria and Georgetown. A city was laid out, and the sales which took place produced funds for carrying on the necessary public buildings.

The war in Europe had embraced those powers with whom the United States had the most extensive relations. The French people regarded the Americans as their brethren, bound to them by the ties of gratitude; and when the kings of Europe, dreading the establishment of republicanism in her borders, assembled in arms to restore monarchy to France, they looked across the Atlantic for sympathy and assistance. The new government, recalling the minister whom the king had appointed, despatched the citizen Genet, of ardent temper and a zealous republican, to supply his place. In April, 1793, he arrived at Charleston, in South Carolina, where he was received by the governor and the citizens, in a manner expressive of their warm attachment to his country, and their cordial approbation of the change of her institutions. Flattered by his reception, and presuming that the nation and the government were actuated by similar feelings, he undertook to authorize the fitting and arming of vessels in that port, enlisting men, and giving commissions to cruise and commit hostilities on nations with whom the United States were at peace; captured vessels were brought into port, and the consuls of France assumed, under the authority of M. Genet, to hold courts of admiralty on them, to try, condemn, and authorize their sale. The declaration of war made by France against Great Britain and Holland reached the United States early in the same month. The president,* regarding the situation of these states, issued his proclamation of neutrality on the 9th of May. In July, he requested the recall of M. Genet, who was soon afterwards recalled, and succeeded by M. Fauchet.

After the defeat of St. Clair by the Indians, in 1791, General Wayne was appointed to command the American forces. Taking post near the country of the enemy, he made assiduous and long protracted endeavours to negotiate a peace. Failing in these, he marched against them at the head of three thousand men. On the 20th of August, 1794, an action took place in the vicinity of one of the British garrisons, on the banks of the Miami. A rapid and vigorous charge roused the savages from their coverts, and they were driven more than two miles

* Washington and Adams had been re-elected to their respective offices.

at the point of the bayonet. Broken and dismayed, they fled without renewing the combat. In this decisive battle, the loss of the Americans in killed and wounded, including officers, was one hundred and seven. Among the slain were Captain Campbell and Lieutenant Fowles, both of whom fell in the first charge. The American troops engaged in the battle did not amount to nine hundred; the number of Indians was two thousand. After remaining on the banks of the Miami three days, during which time the houses and cornfields above and below the fort were burnt, General Wayne, on the 28th, returned with the army to Au Glaize, having destroyed all the villages and corn within fifty miles of the river. The Indians still continuing hostilities, their whole country was laid waste, and forts were erected in the heart of their settlements. The effect of the battle of the 20th of August was instantly and extensively felt. To the victory gained by the Americans is ascribed the rescue of the United States from a general war with the Indians north-west of the Ohio; and its influence is believed to have extended to the Indians in Georgia. In 1795, a treaty was concluded at Grenville, which, long and faithfully observed, gave peace and security to the frontier inhabitants, permitting the superabundant population of the eastern states to spread with astonishing rapidity over the fertile region northwest of the Ohio.

The year 1794 is distinguished by an insurrection in Pennsylvania. In 1791, congress had enacted laws, laying duties upon spirits distilled within the United States, and upon stills. From the commencement of the operation of these laws, combinations were formed in the four western counties of Pennsylvania to defeat them, and violence was repeatedly committed. In July of the present year, about one hundred persons, armed with guns and other weapons, attacked the house of an inspector of the revenue, and wounded some persons within it. They seized the marshal of the district of Pennsylvania, who had been previously fired on while in the execution of his duty by a party of armed men, and compelled him to enter into stipulations to forbear the execution of his office. Both the inspector and the marshal were obliged to fly from that part of the country to the seat of government. These and many other outrages induced President Washington, on the 7th of August, to issue a proclamation, commanding the insurgents to disperse, and warning all persons against aiding, abetting, or comforting the perpetrators of these treasonable acts, and requiring all officers, and other citizens, accord-

ing to their respective duties and the laws of the land, to exert their utmost endeavours to prevent and suppress such dangerous proceedings. On the 25th of September the president issued a second proclamation, admonishing the insurgents; forcibly describing the obstinate and perverse spirit with which the lenient propositions of the government had been received; and declaring his fixed determination, in obedience to the duty assigned to him by the constitution, "to take care that the laws be faithfully executed," and to reduce the refractory to obedience. Fifteen thousand men, placed under the command of Governor Lee, of Virginia, were marched into the disaffected counties. The strength of this army rendering resistance desperate, none was offered, and no blood was shed. A few of the most active leaders were seized and detained for legal prosecution. The great body of the insurgents, on submission, were pardoned, as were also the leaders, after trial and conviction of treason. The government acquired the respect of the people by this exertion of its force and their affection by this display of its lenity.

Great Britain and the United States had each been incessantly complaining that the other had violated the stipulations contained in the treaty of peace. The former was accused of having carried away negroes at the close of the revolutionary war; and of retaining in her possession certain military posts situated in the western wilderness, and within the limits of the United States. The latter were accused of preventing the loyalists from regaining possession of their estates, and British subjects from recovering debts contracted before the commencement of hostilities. For the purpose of adjusting these mutual complaints, and also for concluding a commercial treaty, Mr. Adams had been appointed, in 1785, minister to the court of St. James; the British ministry then declined negotiating on the subject; but after the constitution of 1789 was ratified, ministers were interchanged, and the discussion was prosecuted with no little zeal. In 1794, Mr. Jay being then minister from the United States, a treaty was concluded, which, in the spring of the next year, was laid before the senate. That body advised the president to ratify it, on condition that an alteration should be made in one of the articles. The democratic party, however, exclaimed in intemperate language against most of the stipulations it contained; and the partisans of France swelled the cry of condemnation. Public meetings were held in various parts of the union, at which resolutions were passed expressing warm disapprobation of the treaty, and an earnest wish that the president would

withhold his ratification. General Washington, believing that an adjustment of differences would conduce to the prosperity of the republic, and that the treaty before him was the best that could, at that time, be obtained, gave it his assent, in defiance of popular clamour, and issued his proclamation stating its ratification, and declaring it to be the law of the land. The predominant party in the house of representatives expressed surprise that this proclamation should be issued before the sense of the house was taken on the subject, as they denied the power of the president and senate to complete a treaty without their sanction. In March, a resolution passed, requesting the president "to lay before the house a copy of the instructions to the minister of the United States, who negotiated the treaty with the king of Great Britain communicated by his message of the 1st of March, together with the correspondence and other documents relative to the said treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed." This resolve placed the president in a situation of high responsibility. He knew that the majority of the house entertained the opinion that a treaty was not valid until they had acted upon it. To oppose, in a government constituted like that of the United States, the popular branch of the legislature, would be attended with hazard, and subject him to much censure and abuse; but considerations of this nature make but weak impressions on a mind supremely solicitous to promote the public interest. Upon the most mature deliberation, the president conceived that to grant this request of the house would establish a false and dangerous principle in the diplomatic transactions of the nation, and he gave a denial to their request in an answer eminent for mildness, firmness, and perspicuity, which concluded with the following brief recapitulation of the argument: "As, therefore, it is perfectly clear to my understanding that the assent of the house of representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the government, that the boundaries fixed by the constitution between the different departments should be preserved; a just regard to the constitution, and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."

A resolution moved in the house to make the necessary appropriations to carry the British treaty into

effect, excited among the members the strongest emotions, and gave rise to speeches highly argumentative, eloquent, and animated. The debate was protracted until the people took up the subject: In their respective corporations meetings were held, the strength of parties was fully tried, and it clearly appeared that the great majority were disposed to rally around the executive. Innumerable petitions were presented to congress, praying them to make the requisite appropriations. Unwilling to take upon themselves the consequences of resisting the public will, they yielded to this call.

The conduct of Spain towards the United States had always been cold and unfriendly. She feared lest the principles of liberty and the desire of independence should find their way into her contiguous American provinces. At length, becoming involved in a war with France, embarrassed at home, and intimidated by the unauthorized preparations which, under the auspices of Genet, were making in Kentucky to invade Louisiana, she intimated her readiness to conclude a satisfactory treaty, should an envoy extraordinary be sent to Madrid for that purpose. Thomas Pinckney was accordingly appointed. In October, 1795, a treaty was signed, securing to the citizens of the United States the free navigation of the Mississippi to the ocean, and the privilege of landing and depositing cargoes at New Orleans.

During this year also a treaty was concluded with the regency of Algiers, with which the republic was previously at war. It stipulated that the United States, in conformity with the practice of other nations, should, as the price of peace, pay an annual tribute to the sovereign of that country.

The last two or three years had witnessed several changes in the important offices of the nation. On the first day of the year 1794, Mr. Jefferson resigned the office of secretary of state, and was succeeded by Mr. Randolph. He had performed the duties of that office with extraordinary ability, and to the entire satisfaction of the president. He was considered the leader of the republican party, enjoying their highest confidence and warmest attachment. On the last day of January, 1795, Mr. Hamilton retired from the office of secretary of the treasury. He possessed distinguished talents, and had exerted those talents to establish order where all was confusion, and to raise from the lowest depression the credit of the country. His complete success greatly exalted his reputation, and to him the federalists felt a sincerity of attachment equalled only by that entertained for Washington. He was peculiarly obnoxious to the republican party, and was accused by them of partiality to

England, and of misconduct in office. After the closest scrutiny, his official character was acknowledged, by his enemies, to be without stain. He was succeeded by Oliver Wolcott. At the close of the year 1794, General Knox resigned the office of secretary of war, and Colonel Pickering, of Massachusetts, was appointed in his place. In August Mr. Randolph, having lost the confidence of the president, and having in consequence retired from the administration, Mr. Pickering was appointed his successor in the department of state, and James M'Henry, of Maryland, was made secretary of war. No republican being now at the head of any of the departments, many of the leaders of that party withdrew their support from the administration; but the confidence of the people in the integrity and patriotism of the president experienced not the slightest abatement.

The conduct adopted by France towards the American republic continued to be a source of vexation. M. Fauchet charged the administration with sentiments of hostility to the allies of the United States, with partiality for their former foes, and urged the adoption of a course more favourable to the cause of liberty. Mr. Morris, the minister to Paris, having incurred the displeasure of those in power, was recalled at their request, and his place supplied by Mr. Monroe. Being an ardent republican, he was received in the most respectful manner by the convention, who decreed that the flags of the two republics, entwined together, should be suspended in the legislative hall, as a mark of their eternal union and friendship. M. Adet was appointed soon after to succeed M. Fauchet. He brought with him the colours

* Friends and fellow-citizens,

The period for a new election of a citizen to administer the executive government of the United States, being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but ma-

ture reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years, admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honours it has conferred

ought to be engraven upon the hearts of his countrymen. In the most earnest and affectionate manner he called upon them to cherish an immoveable attach-

upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed, of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune, often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection—of no inconsiderable observation—and which appear to me all important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken, in your minds, the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union, to your collective and individual happiness; that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess, are the work of joint coun-

ment to the national union, to watch for its preservation with jealous anxiety, to discountenance even the suggestion that it could in any event be abandoned,

cils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest: here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated: and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations: and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endeavor to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavour to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations:—Northern and Southern: Atlantic and Western: whence designing men may endeavour to excite a belief that there is a real difference of local interests and views. One of the expedients of

and indignantly to frown upon the first dawning of every attempt to alienate any portion of the country from the rest. Overgrown military establishments

party to acquire influence within particular districts is, to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen in the negotiation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the general government, and in the Atlantic states, unfriendly to their interests, in regard to the Mississippi: they have been witnesses to the formation of two treaties; that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliance, however strict between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is, the right of the people to make and to alter their constitutions of government: but the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, pre-supposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community: and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying, afterwards, the very engines which had lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also, that you resist with care the spirit of innovation upon its principles, however specious the pretends. One method

he represented as particularly hostile to republican liberty. While he recommended the most implicit obedience to the acts of the established government,

of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember, that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigour as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual, and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties, in free countries, are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to

and reprobated all obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to

consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments ancient and modern: some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible: avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace, to discharge the debts, which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that, towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period,

direct, control, counteract, or overawe the regular deliberation and action of the constituted authorities, he wished also to guard against the spirit of innova-

a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favourite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favourite nation) facility to betray, or sacrifice the interest of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little

tion upon the principles of the constitution. Aware that the energy of the system might be enfeebled by alterations, he thought that no change should be made without an evident necessity; and that, in so extensive a country, as much vigour as is consistent with liberty was indispensable. On the other hand, he pointed out the danger of a real despotism, by breaking down the partitions between the several departments of government, by destroying the reciprocal

political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith.—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humour, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favours or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing: establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favours from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favours, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favours from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I

checks, and consolidating the different powers. Against the spirit of party, so peculiarly baneful in an elective government, he uttered his most solemn remonstrances, as well as against inveterate antipathies or passionate attachments in respect to foreign nations. While he thought that the jealousy of a free people ought to be constantly and impartially awake against the wiles of foreign influence, he wished that good faith and justice should be observed

may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest, for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been, to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am, nevertheless, too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours, and dangers.

GEORGE WASHINGTON

United States, 17th September, 1796.

towards all nations, and peace and harmony cultivated. In his opinion, honesty, no less in public than in private affairs, was always the best policy. Providence, he believed, had connected the permanent felicity of a nation with its virtue. Other subjects to which he alluded, were the importance of credit, of economy, of a reduction of the public debt, and of literary institutions; above all, he recommended religion and morality as indispensably necessary to political prosperity. This address to the people of the United States was received with the highest veneration and gratitude. Several of the state legislatures ordered it to be put upon their journals, and every citizen considered it as the legacy of the most distinguished American patriot.

On the 7th of December, 1796, the president for the last time met the national legislature. In his speech, after taking a view of the situation of the United States, regardless of opposition and censure, he recommended the attention of congress to those measures which he deemed essential to national independence, honour, and prosperity. On the 4th of March, 1797, he attended the inauguration of his successor in office. Great sensibility was manifested by the members of the legislature and other distinguished characters when he entered the senate chamber, and much admiration expressed at the complacency and delight he manifested at seeing another clothed with the authority with which he had himself been invested. Having paid his affectionate compliments to Mr. Adams, as president of the United States, he bade adieu to the seat of government, and hastened to the delights of domestic life. He intended that his journey should have been private, but the attempt was vain; the same affectionate and respectful attentions were on this occasion paid him which he had received during his presidency. In his retirement at Mount Vernon he gave the world the glorious example of a man voluntarily disrobing himself of the highest authority, and returning to private life, with a character having upon it no stain of ambition, of covetousness, of profusion, of luxury, of oppression, or of injustice; while it was adorned with the presence of virtues and graces, brilliant alike in the shade of retirement and in the glare of public life.

CHAPTER IV.

THE ADMINISTRATION OF JOHN ADAMS AND JEFFERSON.

WHEN the determination of Washington not again to accept of the presidentship left open the high

office to the competition of the leaders of the great political parties, no exertion was spared throughout the union to give success to their respective claims. The federalists, desiring that the system of measures adopted by Washington should be pursued, and dreading the influence of French sentiments and principles, made the most active efforts to elect John Adams. The republicans, believing their opponents less friendly than themselves to the maxims of liberty, and too much devoted to the British nation and to British institutions, made equal exertions to elect Thomas Jefferson. The result was the choice of Mr. Adams to be president, and Mr. Jefferson to be vice-president.

The President was inaugurated on the 4th day of March, and made the following speech:

"When it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims; men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions, which would certainly arise, concerning the forms of government to be instituted over the whole, and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first; the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, and frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

"The zeal and ardour of the people during the revolutionary war, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones, which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those, where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

"Negligence of its regulations, inattention to its

recommendations, if not disobedience to its authority, not only in individuals, but in states, soon appeared with their melancholy consequences; universal languor, jealousies, rivalries of states; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

"In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan, to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisition, discussions, and deliberations, issued in the present happy constitution of government.

"Employed in the service of my country abroad during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed; and in some states, my own native state in particular, had contributed to establish. Claiming a right of suffrage in common with my fellow-citizens in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then nor has been since any objection to it, in my mind, that the executive and senate were not more permanent. Nor have I entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in congress and the state legislatures, according to the constitution itself, adopt and ordain.

"Returning to the bosom of my country, after a painful separation from it for ten years, I had the honour to be elected to a station under the new order of things, and I have repeatedly laid myself under

the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends; and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

"What other form of government, indeed, can so well deserve our esteem and love?

"There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences: but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation, more pleasing, more noble, majestic, or august, than an assembly like that, which has so often been seen in this and the other chamber of Congress—of a government, in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbours, to make and execute laws for the general good. Can any thing essential, any thing more than mere ornament and decoration, be added to this by robes or diamonds? Can authority be more amiable or respectable, when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For, it is the people only that are represented: it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object of consideration, more pleasing than this, can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

"In the midst of these pleasing ideas, we should be unfaithful to ourselves, if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suf

frage can be obtained by foreign nations, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality; the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves: and candid men will acknowledge, that in such cases, choice would have little advantage to boast of, over lot or chance.

"Such is the amiable and interesting system of government, (and such are some of the abuses to which it may be exposed,) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years; under the administration of a citizen who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

"In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace.

"This example has been recommended to the imitation of his successors, by both houses of congress, and by the voice of the legislatures and the people, throughout the nation.

"On this subject it might become me better to be silent, or to speak with diffidence; but, as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that, if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy towards the state governments; if an equal and impartial regard to the rights, interests, honour, and happiness of all the states in the union, without pre-

ference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but, as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures, for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe, which has been adopted by the government, and so solemnly sanctioned by both houses of congress, and applauded by the legislatures of the states and the public opinion, until it shall be otherwise ordained by congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship, which has been so much for the honour and interest of both nations; if, while the conscious honour and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavour to investigate every just cause, and remove every colourable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation; and if success can not be obtained, to lay the facts before the legislature, that they may consider what further measures the honour and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times, and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honour, spirit, and resources of the American people, on which I have so often hazarded

my all, and never been deceived ; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age ; and with humble reverence I feel it my duty to add—if a veneration for the religion of a people, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavour, that this sagacious injunction of the two Houses shall not be without effect.

“ With this great example before me ; with the sense and spirit, the faith and honour, the duty and interest of the same American people, pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy ; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it, to the utmost of my power.

“ And may that Being, who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence.”

Mr. Pinckney had been appointed minister plenipotentiary to the French republic in 1796. The object of his mission was stated, in his letter of credence, to be, “ to maintain that good understanding which, from the commencement of the alliance, had subsisted between the two nations ; and to efface unfavourable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union.” On inspecting his letter of credence, the directory announced to him their determination “ not to receive another minister plenipotentiary from the United States, until after the redress of grievances demanded of the American government, which the French republic had a right to expect from it.” The American minister was afterward obliged, by a written mandate, to quit the territories of the French republic. Besides other hostile indications, American vessels were captured wherever found ; and, under the pretext of their wanting a document, with which the treaty of commerce had been uniformly understood to dispense, they were condemned as prizes.

In consequence of this serious state of the relations with France, the president, by proclamation,

summoned congress to meet on the 15th of June when, in a firm and dignified speech, he stated the great and unprovoked outrages of the French government. Having mentioned a disposition indicated in the executive directory to separate the people of America from their government, “ such attempts,” he added, “ ought to be repelled with a decision which shall convince France and all the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character, and interest.” He expressed, however, his wish for an accommodation, and his purpose of attempting it. “ Retaining still the desire which has uniformly been manifested by the American government to preserve peace and friendship with all nations, and believing that neither the honour nor the interest of the United States absolutely forbade the repetition of advances for securing these desirable objects with France, he should,” he said, “ institute a fresh attempt at negotiation, and should not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interests, and honour of the nation.” In the mean time, he earnestly recommended it to congress to provide effectual measures of defence.

To make a last effort to obtain reparation and security, three envoys extraordinary were appointed, at the head of whom was General Pinckney. By their instructions, “ Peace and reconciliation were to be pursued by all means compatible with the honour and the faith of the United States ; but no national engagements were to be impaired ; no innovations to be permitted upon those internal regulations for the preservation of peace, which had been deliberately and uprightly established ; nor were the rights of the government to be surrendered.” These ambassadors also the directory refused to receive. They were, however, addressed by persons verbally instructed by Talleyrand, the minister of foreign relations, to make proposals. In explicit terms, these unofficial agents demanded a large sum of money before any negotiation could be opened. To this insulting demand a decided negative was given. A compliance was, nevertheless, repeatedly urged, until at length the envoys refused to hold with them any further communication.

When these events were known in the United States they excited general indignation. The spirit of party appeared to be extinct. “ Millions for defence, not a cent for tribute,” resounded from every quarter of the union. The treaty of alliance with

France was declared by congress to be no longer in force; and authority was given for capturing armed French vessels. Provision was made for raising immediately a small regular army, and, in case events should render it expedient, for augmenting it. A direct tax and additional internal duties were laid. To command the armies of the United States, President Adams, with the unanimous advice of the senate, appointed George Washington. He consented, but with great reluctance, to accept the office, declaring, however, that he cordially approved the measures of the government.

The first act of hostility between the two nations appears to have been committed by the *Insurgente*, which was in a short period after so signally beaten by an American frigate. The schooner *Retaliation*, Lieutenant-Commandant Bainbridge, being deluded into the power of this vessel, was captured and carried into Guadaloupe. Several other United States armed vessels were in company with the *Retaliation*, and pursued by the French squadron, but were probably saved from capture by the address of Lieutenant Bainbridge, who, being asked by the French commodore what was the force of the vessels chased, exaggerated it with so much adroitness as to induce him to recall his ships. The *Constellation* went to sea under the command of Captain Truxton. In February, 1799, he encountered the *Insurgente*, and, after a close action of about an hour and a half, compelled her to strike. The rate of the *Constellation* was thirty-two guns, that of the *Insurgente* forty. The former had three men wounded, one of whom shortly after died, and none killed; the latter had forty-one wounded, and twenty-nine killed. This victory, which was so brilliant and decisive, with such a wonderful disparity of loss, gave great eclat to the victor and to the navy. Commodore Truxton again put to sea in the *Constellation*, being destined to renew his triumphs, and the humiliation of the foe. In February, 1800, he fell in with the *Vengeance*, a French ship of fifty-four guns, with which he began an engagement that lasted, with great obstinacy and spirit on both sides, from eight o'clock in the evening till one in the morning, when the *Vengeance* was

completely silenced, and sheered off. The *Constellation*, having lost her mainmast, was too much injured to pursue her. The captain of the *Vengeance* is said to have twice surrendered during the contest, but his signals were not understood amidst the darkness of night and the confusion of battle.

The United States, thus victorious in arms at home and on the ocean, commanded the respect of their enemy; and the Directory made overtures of peace. The president immediately appointed ministers, who, on their arrival at Paris, found the executive authority in the possession of Bonaparte as first consul. They were promptly received, and in September, 1800, a treaty was concluded satisfactory to both countries.

The services of Washington had not been required in his capacity of commander in chief; but he did not live to witness the restoration of peace. On Friday, December 13, while attending some improvements upon his estate, he was exposed to a light rain, which wetted his neck and hair. Unapprehensive of danger, he passed the afternoon in his usual manner; but at night was seized with an inflammatory affection of the windpipe, attended by fever, and a quick and laborious respiration. About twelve or fourteen ounces of blood were taken from him. In the morning, his family physician, Dr. Craik, was sent for; but the utmost exertions of medical skill were applied in vain. Believing from the commencement of his complaint that it would be mortal, a few hours before his departure, and after repeated efforts to be understood, he succeeded in expressing a desire that he might be permitted to die without being disquieted by unavailing attempts to rescue him from his fate. When he could no longer swallow, he undressed himself and got into bed, there to await his dissolution. To his friend and physician he said, with difficulty, "Doctor, I am dying, and have been dying for a long time; but I am not afraid to die." Respiration became more and more contracted and imperfect until half-past eleven on Saturday night, when, retaining the full possession of his intellect, he expired without a struggle. Thus, in the sixty-eighth year of his age, died the father of his country.* In-

for solidity of judgment, and consummate prudence of conduct. He was not so eminent for any one quality of greatness and worth, as for the union of those great, amiable, and good qualities, which are very rarely combined in the same character.

"In domestic and private life, he blended the authority of the master with the care and kindness of the guardian and friend. Solicitous for the welfare of his slaves, while at Mount Vernon, he every morning rode round his estates to examine their condition; for the sick, physicians were provided; and to the weak and infirm every necessary comfort was administered. The servitude of the negroes lay with weight upon his mind; he often made it the subject of conversation, and revolved several plans for their general

* "General Washington was exactly six feet in height; he appeared taller, as his shoulders rose a little higher than the true proportion. His eyes were of a grey, and his hair of a brown colour. His limbs were well formed, and indicated strength. His complexion was light, and his countenance serene and thoughtful. His manners were graceful, manly, and dignified. His general appearance never failed to engage the respect and esteem of all who approached him. Reserved, but not haughty, in his disposition, he was accessible to all in concerns of business; but he opened himself only to his confidential friends; and no art or address could draw from him an opinion which he thought prudent to conceal.

"He was not so much distinguished for brilliancy of genius as

telligence of this event, as it rapidly spread, produced spontaneous, deep, and unaffected grief, suspending every other thought, and absorbing every different feeling. Congress, then in session at Philadelphia, immediately adjourned. On assembling the next day, the house of representatives resolved, "that the speaker's chair should be shrouded in black, and the members wear black during the session; and that a joint committee should be appointed to devise the most suitable manner of paying honour to the memory of the man first in war, first in peace, and first in the hearts of his countrymen." The senate of the United States, in an address to the president on this melancholy occasion, indulged their patriotic pride, while they did not transgress the bounds of truth, in speaking of their Washington. "Ancient and modern names," said they, "are diminished before him. Greatness and guilt have too often been allied; but his fame is whiter than it is brilliant. The destroyers of nations stood abashed at the majesty of his virtues. It reproved the intemperance of their ambition, and darkened the splendour of victory. The scene is closed, and we are no longer anxious lest misfortune should sully his glory: he has travelled on to the end of his journey, and carried with him an increasing weight of honour; he has deposited it safely where misfortune cannot tarnish it,—where malice cannot blast it."

According to the unanimous resolution of congress, a funeral procession moved from the legislative hall to the German Lutheran church, where an oration was delivered by General Lee, a representative from Virginia. The procession was grand and solemn; the oration impressive and eloquent. Throughout the union similar marks of affliction were exhibited; a whole people appeared in mourning. In every part of the republic funeral orations were delivered, and the best talents of the nation were devoted to an expression of the nation's grief.

In the year 1800 the seat of government of the United States was removed to Washington, in the

emancipation. His industry was unremitted, and his method so exact, that all the complicated business of his military command and civil administration, was managed without confusion and without hurry.

"Not feeling the lust of power, and ambitious only for honourable fame, he devoted himself to his country upon the most disinterested principles; and his actions wore not the semblance but the reality of virtue: the purity of his motives was accredited, and absolute confidence placed in his patriotism. While filling a public station, the performance of his duty took the place of pleasure, emolument, and every private consideration. During the more critical years of the war, a smile was scarcely seen upon his countenance; he gave himself no moments of relaxation; but his whole mind was engrossed to execute successfully his trust.

"He was as eminent for piety as for patriotism. His public and private conduct evince, that he impressively felt a sense of the su-

perintendence of God, and of the dependance of man. In his addresses, while at the head of the army, and of the national government, he gratefully noticed the signal blessings of Providence, and fervently commended his country to divine benediction. In private, he was known to have been habitually devout. In the establishment of his presidential household, he reserved to himself the sabbath, free from the interruptions of private visits, or public business; and, throughout the eight years of his civil administration, he gave to the institutions of christianity the influence of his example.

After congratulating the people of the United States on the assembling of congress at the permanent seat of their government, and congress on the prospect of a residence not to be changed, the president said, "It would be unbecoming the representatives of this nation to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the universe, and imploring his blessing. May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character whose name it bears, be for ever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever."

At this period a presidential election again occurred. From the time of the adoption of the constitution, the republican party had been gradually increasing in numbers. The two parties being now nearly equal, the contest inspired both with uncommon ardour. The federalists supported Mr. Adams and General Pinckney; the republicans, Mr. Jefferson and Colonel Burr. The two latter received a small majority of the electoral votes; and as they received also an equal number, the selection of one of them to be president devolved upon the house of representatives. After thirty-five trials, during which the nation felt intense solicitude, Mr. Jefferson was chosen. Colonel Burr received the votes of the federalists, and lost, in consequence, the confidence of his former friends. By the provisions of the constitution he became, of course, vice-president. On his inauguration, Mr. Jefferson made the following speech to both houses of congress.

"Friends and fellow-citizens,
"Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favour with which they have been pleased to look

perintendence of God, and of the dependance of man. In his addresses, while at the head of the army, and of the national government, he gratefully noticed the signal blessings of Providence, and fervently commended his country to divine benediction. In private, he was known to have been habitually devout. In the establishment of his presidential household, he reserved to himself the sabbath, free from the interruptions of private visits, or public business; and, throughout the eight years of his civil administration, he gave to the institutions of christianity the influence of his example.

"Uniting the talents of the soldier with the qualifications of the statesman, and pursuing, unmoved by difficulties, the noblest end by the purest means, he had the supreme satisfaction of beholding the complete success of his great military and civil services, in the independence and happiness of his country."—Bancroft's *Life of Washington*, vol. ii. p. 214.

towards me, to declare a sincere consciousness, that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye ; when I contemplate these transcendent objects, and see the honour, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

“During the contest of opinion through which we have past, the animation of discussions and of exertions, has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think ; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable ; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse, that harmony and affection without which, liberty, and even life itself, are but dreary things. And let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful

that the agitation of the billows should reach even this distant and peaceful shore ; that this should be more felt and feared by some, and less by others ; and should divide opinions as to measures of safety ; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans : we are all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong ; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear, that this government, the world's best hope, may, by possibility, want energy to preserve itself ? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one, where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said, that man cannot be trusted with the government of himself. Can he then be trusted with the government of others ? Or, have we found angels in the form of kings, to govern him ? Let history answer this question.

“Let us then, with courage and confidence, pursue our own federal and republican principles ; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe ; too high minded to endure the degradations of the others ; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honour and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter ; with all these blessings, what more is necessary to make us a happy and prosperous people ? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring

one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned. This is the sum of good government ; and this is necessary to close the circle of our felicities.

"About to enter, fellow-citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political : peace, commerce, and honest friendship with all nations, entangling alliances with none : the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies : the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad : a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided : absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism : a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them : the supremacy of the civil over the military authority : economy in the public expense, that labour may be lightly burdened : the honest payment of our debts and sacred preservation of the public faith : encouragement of agriculture, and of commerce as its handmaid : the diffusion of information, and arraignment of all abuses at the bar of the public reason : freedom of religion ; freedom of the press ; and freedom of person, under the protection of the *habeas corpus* : and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment : they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust ; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

"I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man, to retire from this station with the reputation, and the favour, which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional ; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past ; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

"Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favourable issue for your peace and prosperity."

A second census of the inhabitants of the United States was completed in 1801. They amounted to 5,319,762, having in ten years increased nearly one million four hundred thousand. In the same number of years the exports increased from nineteen to ninety-four millions, and the revenue from 4,771,000 to 12,945,000 dollars. This rapid advance in the career of prosperity has no parallel in the history of nations, and is to be attributed principally to the institutions of the country, which, securing equal privileges to all, gave to the enterprise and industry of all free scope and full encouragement.

In 1802, the state of Ohio was admitted into the union. It was formerly a portion of the north-western territory, for the government of which, in 1787, an ordinance was passed by the continental congress. In thirty years from its first settlement, the number of its inhabitants exceeded half a million. The state

of Tennessee, which was previously a part of North Carolina, and which lies between that state and the river Mississippi, had been admitted in 1796.

The right of deposit at New Orleans, conceded to the citizens of the United States by Spain, and necessary to the people of the western country, had, until this period, been freely enjoyed. In October, the chief officer of that city prohibited the exercise of it in future. This violation of a solemn engagement produced, throughout the states of Ohio and Kentucky, indignant clamour and violent commotion. In congress a proposition was made to take possession by force of the whole province of Louisiana; but a more pacific course was adopted. Knowing that the province had been ceded, although not transferred, to France, the president instituted a negotiation to acquire it by purchase. In April, 1803, a treaty was concluded, conveying it to the United States for fifteen millions of dollars. Its acquisition was considered by the United States of the greatest importance, as it gave them the entire control of a river which is one of the noblest in the world.

At this period, also, there was another important acquisition of territory. The friendly tribe of Kaskaskia Indians, reduced by wars and other causes to a few individuals who were unable to defend themselves against the neighbouring tribes, transferred its country to the United States; reserving only a sufficiency to maintain its members in an agricultural way. The stipulations on the part of the United States were, to extend to them patronage and protection, and to give them certain annual aids, in money, implements of agriculture, and other articles of their choice. This ceded country extends along the Mississippi from the mouth of the Illinois to and up the Ohio; and is esteemed as among the most fertile within the limits of the union.

The United States had for some time enjoyed the undisputed repose of peace, with only one exception. Tripoli, the least considerable of the Barbary states, had made demands, founded neither in right nor in compact, and had denounced war on the failure of the American government to comply with them before a given day. The president, on this occasion, sent a small squadron of frigates into the Mediterranean, with assurances to that power of the sincere desire of the American government to remain in peace; but with orders to protect our commerce against the threatened attack. It was a seasonable and salutary measure; for the bey had already declared war; and the American commerce in the Mediterranean was blockaded, while that of the Atlantic was in peril. The arrival of the squadron

dispelled the danger. The *Insurgente*, which had been so honourably added to the American navy, and the *Pickering*, of fourteen guns, the former commanded by Captain Fletcher, the latter by Captain Hillar, were lost in the equinoctial gale, in September, 1800. In 1801, the *Enterprise*, of fourteen guns, Captain Sterrett, fell in with a Tripolitan ship of war of equal force. The action continued three hours and a half, the corsair fighting with great obstinacy, and even desperation, until she struck, having lost fifty killed and wounded, while the *Enterprise* had not a man injured. In 1803, Commodore Preble assumed the command of the Mediterranean squadron, and after humbling the emperor of Morocco, who had begun a covert war upon American commerce, concentrated most of his force before Tripoli. On arriving off that port, Captain Bainbridge, in the frigate *Philadelphia*, of forty-four guns, was sent into the harbour to reconnoitre. While in eager pursuit of a small vessel, he unfortunately advanced so far that the frigate grounded, and all attempts to remove her were in vain. The sea around her was immediately covered with Tripolitan gunboats, and Captain Bainbridge was compelled to surrender. This misfortune, which threw a number of accomplished officers and a valiant crew into oppressive bondage, and which shed a gloom over the whole nation, as it seemed at once to increase the difficulties of a peace a hundred fold, was soon relieved by one of the most daring and chivalrous exploits that is found in naval annals. Lieutenant Stephen Decatur, then one of Commodore Preble's subalterns, proposed a plan for re-capturing or destroying the *Philadelphia*. The American squadron was at that time lying at Syracuse. Agreeably to the plan proposed, Lieutenant Decatur, in the ketch *Intrepid*, four guns and seventy-five men, proceeded, under the escort of the *Syren*, Captain Stewart, to the harbour of Tripoli. The *Philadelphia* lay within half gun-shot of the bashaw's castle, and several cruisers and gunboats surrounded her with jealous vigilance. The *Intrepid* entered the harbour alone, about eight o'clock in the evening, and succeeded in getting near the *Philadelphia*, between ten and eleven o'clock, without having awakened suspicion of her hostile designs. This vessel had been captured from the Tripolitans, and, assuming on this occasion her former national appearance, was permitted to warp alongside, under the alleged pretence that she had lost all her anchors. The moment the vessel came in contact, Decatur and his followers leaped on board, and soon overwhelmed a crew which was paralyzed with consternation. Twenty of the Tripolitans were killed. All the surrounding batteries being

opened upon the Philadelphia, she was immediately set on fire, and not abandoned until thoroughly wrapped in flames; when, a favouring breeze springing up, the Intrepid extricated herself from her prey, and sailed triumphantly out of the harbour amid the light of the conflagration. Not the slightest loss occurred on the side of the Americans to shade the splendour of the enterprise.

In July, 1804, Commodore Preble brought together all his forces before Tripoli, determined to try the effect of a bombardment. The enemy having sent some of his gunboats and galleys without the reef at the mouth of the harbour, two divisions of American gunboats were formed for the purpose of attacking them, while the large vessels assailed the batteries and town. On the 3d of August this plan was put in execution. The squadron approached within gun-shot of the town, and opened a tremendous fire of shot and shells, which was as promptly returned by the Tripolitan batteries and shipping. At the same time the two divisions of gunboats, the first under the command of Captain Somers, the second under Captain Stephen Decatur, who had been promoted as a reward for his late achievement, advanced against those of the enemy. The squadron was about two hours under the enemy's batteries, generally within pistol-shot, ranging by them in deliberate succession, alternately silencing their fires, and launching its thunders into the very palace of the bashaw; while a more animated battle was raging in another quarter. Simultaneously with the bombardment the American gunboats had closed in desperate conflict with the enemy. Captain Decatur, bearing down upon one of superior force, soon carried her by boarding, when, taking his prize in tow, he grappled with another, and in like manner transferred the fight to the enemy's deck. In the fierce encounter which followed this second attack, Captain Decatur, having broken his sword, closed with the Turkish commander, and both falling in the struggle, gave him a mortal wound with a pistol-shot, just as the Turk was raising his dirk to plunge it into his breast. Lieutenant Trippe, of Captain Decatur's squadron, had boarded a third large gunboat, with only one midshipman and nine men, when his boat fell off, and left him to wage the unequal fight of eleven against thirty-six, which was the number of the enemy. Courage and resolution, however, converted this devoted little band into a formidable host, which, after a sanguinary contest, obliged the numerous foe to yield, with the loss of fourteen killed and seven wounded. Lieutenant Trippe received eleven sabre

wounds, and had three of his party wounded, but none killed. Several bombardments and attacks succeeded each other at intervals throughout the month. Day after day death and devastation were poured into Tripoli with unsparing perseverance, each attack exhibiting instances of valour and devotedness which will give lustre to history. The eyes of Europe were drawn to the spot where a young nation, scarcely emerged into notice, was signally chastising the despotic and lawless infidel, to whom some of her most powerful governments were then paying tribute.

On the 4th of September, Commodore Preble, in order to try new experiments of annoyance, determined to send a fireship into the enemy's harbour. The Intrepid was fitted out for this service, being filled with powder, shells, and other combustible materials. Captain Somers, who had often been the emulous rival of Decatur in the career of glory, was appointed to conduct her in, having for his associates in the hazardous enterprise Lieutenants Wadsworth and Israel, all volunteers. The Argus, Vixen, and Nautilus, were to convoy the Intrepid as far as the mouth of the harbour. Captain Somers and Lieutenant Wadsworth made choice of two of the fleetest boats in the squadron, manned with picked crews, to bring them out. At eight o'clock in the evening she stood into the harbour with a moderate breeze. Several shot were fired at her from the batteries. She had nearly gained her place of destination when she exploded, without having made any of the signals previously concerted to show that the crew was safe. Night hung over the dreadful catastrophe, and left the whole squadron a prey to the most painful anxiety. The convoy hovered about the harbour until sunrise, when no remains could be discovered either of the Intrepid or her boats. Doubt was turned into certainty, that she had prematurely blown up, as one of the enemy's gunboats was observed to be missing, and several others much shattered and damaged. Commodore Preble, in his account, says, that he was led to believe "that those boats were detached from the enemy's flotilla to intercept the ketch, and without suspecting her to be a fireship, the missing boats had suddenly boarded her, when the gallant Somers and the heroes of his party observing the other three boats surrounding them, and no prospect of escape, determined at once to prefer death, and the destruction of the enemy, to captivity and torturing slavery, put a match to the train leading directly to the magazine, which at once blew the whole into the air, and terminated their existence;" and he

adds, that his "conjectures respecting this affair are founded on a resolution which Captain Somers and Lieutenants Wadsworth and Israel had formed, neither to be taken by the enemy, nor suffer him to get possession of the powder on board the Intrepid." Soon after these events, Commodore Preble gave up the command in the Mediterranean to Commodore Barron, and returned to the United States. His

eminent services were enthusiastically acknowledged by his admiring fellow-citizens, as well as those of his associates in arms, "whose names," in the expressive language of congress on the occasion, "ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations."†

While the squadron remained before Tripoli other

* Goldsborough's Naval Chronicle, p. 237.

† In 1794, a proposition was brought forward for creating a navy, and after a sharp debate, a bill was passed by a majority of two only, in the house of representatives, for building four forty-four's and two thirty-six's. The most experienced and skilful ship-builders in the country were sought for, and employed, and the work began in earnest. Humphries and Hacket, master builders and modellers, did themselves great credit by the specimens they produced. In 1798 and 1799, this country had built up a considerable navy; six forty-four's, three thirty-six's, seven thirty-two's, and from fifteen to twenty, or more, smaller vessels of war. This sudden creation of a naval force showed the maritime world, what the resources and energies of our nation were, whenever they should be pushed to develop them. In 1798, the nation were in a state of agitation, and the secretary of war, who was then charged with superintending the concerns of the navy, addressed a letter to the Hon. Samuel Sewall, *chairman of the committee of the house of representatives for the protection of commerce, and the defence of the country*, containing his views of the necessary preparation for the exigencies of the times, to protect our *territory, property, and sovereignty*. All our naval forces were soon put in requisition. An act was passed in May, 1798, which authorized "the president to direct our cruisers to *seize, take, and bring into any port of the United States*, any vessel sailing under the authority of the French republic, hovering on our coast for the purpose of committing depredations on vessels belonging to our citizens," &c. In conformity to this act, Captain Dale, in the *Ganges*, who had been fitted out with limited instructions, received those of a broader nature, but still limited to come strictly within the act of the 28th of May. During the summer, others were ordered out, and our commerce in the West India seas was well protected. Until this period, we had no regular and systematic arrangement in this department; but at this period the cost of building and equipping the navies of other nations were examined, and rules for our own were readily to be found in them, if, in many items, they were considerably different. The strongest arguments were used to show the propriety of efficient measures, and were generally convincing and satisfactory. In this *quasi* war, as it was called by Mr. Adams at that time, the American navy took from the French republic, from 1798 to 1801, between eighty and ninety armed vessels, and re-captured many American vessels, which the French cruisers had taken from the citizens of the United States. The most conspicuous of the engagements in this naval contest, was that of the *Constellation*, Captain Truxton, and the *Insurgente*, of forty guns, and four hundred and nine men, in which the latter was taken; and that of the same American ship and commander, with the *Vengeance*, a fifty-four gun ship, which escaped after she had several times struck her flag. The next in point of size was the *Berceau*, of twenty-four guns, and two hundred and twenty men, taken by the *Boston*, Captain Little. Captain John Shaw, in the *Enterprise*, of twelve guns, captured six armed French vessels, and re-captured eleven American vessels, in a cruise of eight months. In these engagements, in one of which he contended with superior force, he took forty-seven guns and three hundred and seventy-nine men, and in all of them together, the enemy had thirty-one killed and sixty-six wounded. Although there were a few mistakes in the naval affairs of that period, yet, the whole course together, reflected the highest honour on our country, and gave evidence not only to France, but to the other nations, that we were fitted for a naval power, and should soon take our rank with the nations of Europe, on the high seas. Many young officers distinguished themselves, and gave early promise of the high character which they have since sustained. The

whole cost of the creation and support of this navy was short of ten millions of dollars; not equal to the revenue of our nation for one year of this war.

Under the act of the third of March, 1801, all the ships and vessels belonging to the navy of the United States, were sold, excepting thirteen, and these, mostly frigates; they brought in the market but a small proportion of their original cost. This sacrifice was a matter of no importance, in comparison with the glory we had gained; aye, something more than fame was gained. The success of our naval forces taught, not only others, but ourselves, that it did not require the pressure of a revolutionary struggle, to make us a maritime nation, in the true naval sense of the word; a nation who could make the greatest exertions to protect and extend a lawful commerce, upon the broadest basis. Avarice might have wished us to have risked nothing, and to have purchased our mercantile privileges by debasement and sycophancy to other nations; and timidity preached to us a long homily upon the mighty powers of these nations, and entered into deep calculations upon the folly of risking any thing, when we were so weak and defenceless; but, thanks to heaven, the proud spirit of our fathers prevailed, and the honour of the nation was not compromised by parsimony or cowardice. It seemed a dream to all the world, that a navy could rise upon the bosom of the ocean, by the power of an infant nation, in so sudden a manner. The fabled pines of Mount Ida were not formed into ships, for the fugitive Trojans, more rapidly than the oaks of our pasture-grounds and forests were thrown into naval batteries, for the protection of commerce, and our national dignity. Scarcely had it been published in the English and continental gazettes, that our navy was sold off, and that we were destitute of a ship of war, before the seas were whitened with the canvass of a navy from our ports, that fled from no equal, and were caught by no superior force.

Scarcely had our differences with France been adjusted, before we were called to contend with a new foe; and then the diminution of our naval force was sorely felt. During our existence as colonies, our trade had been protected in the Mediterranean, by the naval power of the mother country; but after the peace of 1783, the protection of course ceased, and we were obliged to purchase an immunity from capture and slavery, from the sovereignties of Morocco and Algiers. This tribute was galling to a free people, but nothing else could be done to save a valuable commerce, and we consoled ourselves that the most powerful christian nations had done the same, and some of them were still doing the same; and, in fact, all of them, in some way or other, were still tributaries. In the year 1800, an indignity was offered our flag by the dey of Algiers. The ship which was sent to carry our tribute was forcibly sent on a mission from the dey to his master, the Grand Seignior, and although it was managed in such a manner as to produce in the mind of the master, of the petty tyrant, a respect for the people of the new world, by the address of the American commander, still the insult was deeply felt in every part of our country. These powers on the coast of Africa were a terror to every mariner; for he, who feared no storms, dreaded captivity in these countries more than death itself. The Barbary powers, Algiers, Tunis, Morocco, and Tripoli, had been the scourge of christendom for ages. They had been pirates for a thousand years; from the time the Greeks had been driven from these shores to the present day, they had plundered the merchants trafficking in the Mediterranean, and made all persons they could get into their possession slaves; and these unfortunate beings they either ransomed at a great price, or cruelly devoted to labour and insults of the worst character. Spain, France, England, Portugal, Denmark, and Sweden, had suffered

deeds of heroism were performed. William Eaton, who had been a captain in the American army, was, at the commencement of this war, consul at Tunis.

immeasurably from the corsairs of these piratical governments, whenever they refused to pay a tribute for their safety. These corsairs were adventurous and skilful seamen, and lived and thrived on the depredations made on all "christian dogs," as they insultingly called their foe. They often swept the Adriatic, depredated on the coast of Spain, and Italy, and France, and infested all the seas of that region; and sometimes ventured on the Atlantic in search of prey. At different periods of history immense efforts had been made to subdue them. In the time of Ferdinand of Spain, he drove them from the seaboard, and for several years kept them in fear and dread of him; but in 1615, Barbarossa, a Turk, and one who had been a corsair, got possession of Algiers, and by every species of cruelty and intrigue, extended his influence and power along the coast for some distance. He fell, as most tyrants have done, in violence and blood, and his brother became, for the security of himself and friends, a tributary to the Grand Seignior. The formidable works erected by the Spaniards while they had possession of the country, were destroyed; and with thirty thousand christian slaves, then unransomed, he built the wall and other works which now defend the city. Spain and Italy, and all true christians, were in tortures at the treatment of their countrymen and fellow christians; and Charles V. of Spain, in 1641, made a bold effort to extirpate this nest of pirates at once. With one hundred and twenty ships, twenty galleys, and thirty thousand men and gentlemen, who had entered into it from religious views, as it was considered a holy war, he commenced his campaign. In this fickle climate the elements warred against him, and all this tremendous host were either destroyed by tempests, or killed by the foe, or returned disheartened, notwithstanding the bull of the pope, and the blessing of the cardinals and priests upon the holy expedition. France once in later years, in a fit of resentment, made a spirited attack upon them, but did not follow it up with any permanent efforts. It seems mysterious, but so it was, that the United States should be the first power in modern times who could, or who did, keep in check the corsairs of those seas; and who dared to blow the castles round the heads of those who sought protection in them.

In 1800, the bashaw of Tripoli was anxious to have tribute paid him also, and made his demand in a bold insulting manner. The Bey of Tunis also raised his voice for tribute. On the 15th of May, 1801, the bashaw of Tripoli declared war against the United States. This was precisely the act our naval commanders were desirous of; but the horrors of slavery made a great impression upon the minds of some of our citizens, who clamoured to have every sacrifice made, that we might be kept in security; fortunately this was not the general feeling. Before this declaration of war had been made, the president of the United States had sent Commodore Dale with a squadron of observation, consisting of three frigates and a schooner. His instructions were full of caution, yet not wanting in decision. On the 6th of August, 1801, Lieutenant Sterret, in the *Enterprise*, of twelve guns, took the first Tripolitan ship of war, or the first of any of these Barbary powers which ever struck to our flag. The prize mounted fourteen guns; she had twenty killed and thirty wounded in the action, but there was not an American injured.

This fight fully showed our superiority in naval tactics and gunnery over any thing these pirates could produce. Early in 1802, a relief squadron was sent out to the Mediterranean; Captain R. V. Morris was in command of it. The squadron was one of more efficiency than that of Commodore Dale's. It was well appointed, and provision made for ample supplies. In May, 1803, the bashaw of Tripoli proposed a peace; his *sine qua non* was two hundred thousand dollars, and the expenses of the war. The negotiation was instantly given up, and these terms considered inadmissible. He had become, however, quite tired of being blockaded in his own port. In June, Captain Morris was suspended, for it became apparent that he did not act with sufficient energy; nothing brilliant had been done under his command. The trade it is true had been protected, and probably he thought this the chief end of his duties. The secretary of the navy was not satisfied with this, and he ap-

He there became acquainted with Hamet Caramauly, whom a younger brother had excluded from the throne of Tripoli. With him he concerted an ex-

pointed Commodore Preble to take the command of the squadron. This was a fortunate appointment; Preble was a man of sterling talents, and well acquainted with his duty; of the most cool and determined bravery, and was panting for some occasion for distinction. He had with him some noble spirits, Bainbridge, Decatur, and others, cast in the same mould, and animated by the same soul with himself. The squadron had not only to blockade Tripoli, but to watch the movements of Algiers, Morocco, and Tunis; but on the dey of Algiers seeming in better nature than usual, and the emperor of Morocco coming to terms, Preble made up his mind to attack Tripoli with what force he had, and a few gun-boats he had hired at Naples. On the 3d of August, 1804, he made the first attack. These gun-boats gave our men an opportunity of showing their personal strength, science, and bravery, in attack and defence; for the combatants came, as in ancient times, hand to hand and breast to breast. The minute details of this and the other attacks on this city, would furnish a story of as much prowess and chivalrous gallantry as any of the wars in the Holy Land. The deeds of the lover-knights were then sung by the minstrel, and for ages after were breathed in bower and hall, and are not yet forgotten, but still enamour the brave and the fair in this cool age of philosophy;—shall our heroes want an historian? After the second attack, which was made on the 5th of the same month, the bashaw lowered his terms for peace, offering to take five hundred dollars for each prisoner, and require no stipulation for peace hereafter. This also was not admissible. On the 28th, another attack was made; and the next on the 3d of September. The fickleness of the seas in winter would not admit of any further attacks this season. The next summer they were to be renewed with a vigorous determination to carry fire and sword into the palace of the bashaw. On the 10th of September, Preble surrendered his command to Commodore Barron. The secretary said that this was a matter of necessity. The secretary was an honourable man. Enough was done to induce the bashaw to make peace on the 3d of June, 1805, on favourable terms, or rather on just terms. Thus ended a war which surprised the nations of Europe. They had often smiled to think the United States, a new-born nation, should be so presumptuous as to suppose that she could put down these predatory hordes, which had exacted tribute from all the commercial world, from time immemorial; but it was done, and the lookers on were astonished at the events as they transpired. The Pope, who had ever been deeply interested in all these pagan wars, or rather, all these wars against pagan powers, declared that this infant nation had done more in a few years, in checking the insolence of these infidels, than all the nations of Europe for ages. The thunders of the Vatican had passed harmlessly over these pirates' heads, through more than ten successors of St. Peter, until the United States had brought these infidels to terms by the absolute force of naval power. The head of the church saw that the people of a free nation had felt the degradation of paying tribute, and were determined to do so no longer than they could concentrate their energies, and direct them to bear upon the general foe of christendom. The whole was indeed a wonder, that a nation that scarcely had risen into the great family of independent powers, should be able to grapple with, and in a measure subdue, these barbarians, who had been for so long a time the scourge of mankind. We had not taken one power alone, but all from the Atlantic to the Red Sea. The Doge, who had been wedded to the Adriatic, and promised for the dower of his bride, the dominion of the seas from the Delta of Egypt to the straits of Gibraltar, had never in the pride of aristocratic strength, claimed the honour of humbling the "insolent Turk" to the extent that the United States had done in a few years. The arm of liberty, when properly directed, was always deadly to despotism. These exertions gave our flag a rank among the nations of Europe, in these classical seas, in which so great a proportion of all the sea-fights in the annals of man had taken place, from the early ages of fable and romance to modern times. The corsair, who had been the terror of the world, was now found a furious, but not unconquerable foe; and the barbarians, whose tremendous fierceness had been the tale of wonder

pedition against the reigning sovereign, and repaired to the United States to obtain permission and the means to undertake it. Permission was granted, the co-operation of the squadron recommended, and such pecuniary assistance as could be spared was afforded. To raise an army in Egypt, and lead it to attack the usurper in his dominions, was the project which had been concerted. In the beginning of 1805, Eaton met Hamet at Alexandria, and was

in every age, seemed, in our mode of warfare, less dangerous than the aborigines we had been contending with from the cradle of our nation. We have sworn to pay no tribute in this region, but this were vain; shall not the mighty dead demand the tribute of a tear? And shall this be denied? Shall not the lover of his country shed one sacred dew drop of nature to the memory of Somers, Wadsworth, and Israel? Shall we repeat the glories of Salamis and of the Nile, and forget our own heroes who devoted themselves to destruction for our honour? Oh! no; such actions are rare on the page of history, and shall not be forgotten; the dullest of the sons of men shall acknowledge that there does exist, in the soul of the brave, a romantic love of country and of fame, when reminded of the deeds and fate of these victims; and shall we be wanting in these reminiscences? No; generous spirits! you shall be brought forth on all proper occasions, and your country's historians charged with handing down to the latest posterity your noble sacrifice—that of self-immolation on your country's altar. Your business was to die, and you have finished it up; be it ours to take in charge your fame, and transmit it to future times.

Here I shall stop as to the history of our navy, for all the incidents on which future history is to be founded, are fully blazoned in the newspapers of the day, and so generally spread upon the pages of our literary and historical journals, that it would be premature, perhaps, to attempt to condense, connect, and correct them for history; the laurels of our navy are too green and dewy at this hour to be fit to garner up for preservation; but suffice it now to say, that we are contented with the present size of our navy, and are proud of its fame in every stage of its growth. A navy should always be in proportion to the number, the wealth, the commerce, and the spirit of a people. It should grow no faster than its duties are required, and never over represent the strength of a nation. Its growth should be so gradual that no ignorance of nautical subjects should ever be seen in the crew of a ship, and still new sailors should be instructed in every cruise. The greatest possible science and efficiency in the smallest possible compass, should be the standing maxim of those who love a navy. It is not the creation of a navy, that we are now, as a nation, to think of; it is only the management and increase of that navy, that should be brought forward as subjects of consideration; and for this increase we can have no particular anxiety. Skilful artificers to build a navy have never been wanting in this country since its earliest days; they abound now, and are possessed of all the improvements in the art of ship-building; and these are not a few. On our part of this continent we have timber enough for all the navies of the world; our forests and pastures produce it faster than it can be used; and science has taught us to make as much again as we used to, of what we have. In addition to these great stores, the providence of a late secretary of the navy, with the assistance of congress, has secured an abundance of the best of live oak, by reserving for the use of the government, an immense forest of this growth in Florida. This cost the nation but little more than the sagacious efforts of a man of political forecast; the worth of a statesman is seldom known until he passes away; and those who do the most good, often share the fate that the ignorant and time-serving deserve, or a worse one. We can never want for sailors, as long as our cod and whale fishery are pursued, and our foreign commerce is protected.

Our mariners have amounted to one hundred and eight thousand, and over; a fourth part of these can, on an emergency, be spared for the navy, and these, with a small proportion of fresh recruits,

appointed general of his forces. On the 6th of March, at the head of a respectable body of mounted Arabs, and about seventy Christians, he set out for Tripoli. His route lay across a desert one thousand miles in extent. On his march, he encountered peril, fatigue, and suffering, the description of which would resemble the exaggerations of romance. On the 25th of April, having been fifty days on the march, he arrived before Derne, a Tripolitan city on

would instantly make up a most formidable force for naval operations. The iron and hemp, or its substitute, cotton, can easily be found here, and will be supplied as fast as wanted. The only materiel we were ever charged to be wanting in, was scientific navigators, not hardy seamen, and these we are every day schooling for our requisitions. The two hundred and fifty lieutenants, and the four hundred and sixteen midshipmen, will supply the place of those who, in the course of nature, pass away, and the list of our veteran naval officers is rapidly diminishing. Those who come up will not naturally be greater men than their predecessors; but it will not be denied that their advantages for obtaining knowledge will be much greater. Bravery remains as it has been—and how could it be exceeded?—nautical science is advancing with us as in other countries. There is not a discovery in agriculture, the arts, or in manufacturing, that has not a bearing upon our navy, directly or indirectly. The cost of building, supporting, and educating a navy, is now nearly reduced to a standing certainty. The people can at once make calculations for themselves; there is no mystery about the matter; for they can at a glance estimate the expenses of this branch of power. One man from every hundred persons, in our community, and two days labour every year for those persons in our country capable of labour, will support a navy far superior to whatever the most ambitious statesman will ever ask of the country. And to whom is this paid? All to ourselves: *millions for defence, but not a cent for tribute*, was the maxim of our infancy as a nation. This will be perpetual; but a wiser one will be, never to ask, or seek for that power, that will make other nations tributary to us, except through the medium of a liberal reciprocity in commerce. That nation is hated, however much it may be feared, who domineers over another from the mere consciousness of power; and that nation despised, that succumbs, while it can maintain its existence and independence by any sacrifices whatever. We must not be too impatient for greatness; we are indeed apt to be so, for we have witnessed what no other nation has before seen, a people grow as rapidly into wealth and power as an enterprising individual ever did. Other nations have waited for centuries, for what we have experienced in the course of half a human life, a fourfold increase. The growth of the navy of our mother country, has been slow, compared with ours; but in truth no comparison exists. They made their navy for self-existence, and for an extension of power; ours grew out of a spirit of independence, and will, we trust, be maintained for the same glorious principle. But if all the ships we now own, were sunk in the ocean, and every navy officer with them, gallant, skilful, and intelligent as they are, the American navy would not be destroyed. The navy exists in the hearts and wills of the people; and in the event of its destruction, it would be re-created as certain as the existence of the nation; all prejudices against a navy have been overcome and destroyed for ever; and this is sufficient. The permanence of our navy depends on public opinion, and this is made up irrevocably. The decree of this republic has gone forth; and none but the God of battles can reverse it, and that decree is, *the United States must and shall be a naval power, and her flag shall be respected in every quarter of the globe*. This decree rests on no contingency, no change of party, no particular administration of government; it is incorporated with our *habits*, it is a good share of our *feelings*, and it is, also, a part of our *fame*. A mighty, a growing people, whose impulses are "*thought-executing fires*," and whose settled determination is fate, have lifted their voice, and it must be obeyed. —*American Editor*.

the Mediterranean, and found in the harbour a part of the American squadron destined to assist him. He learnt also that the usurper, having received notice of his approach, had raised a considerable army, and was then within a day's march of the city. No time was therefore to be lost. The next morning he summoned the governor to surrender, who returned for answer, "My head or yours." The city was assaulted, and after a contest of two hours and a half, possession was gained. The Christians suffered severely, and the general was slightly wounded. Great exertions were immediately made to fortify the city. On the 8th of May it was attacked by the Tripolitan army. Although ten times more numerous than Eaton's band, the assailants, after persisting four hours in the attempt, were compelled to retire. On the 10th of June another battle was fought, in

* Every country has its own chivalrous characters, and our own, young as it is, abounds in them. A volume would not contain the names of those who have passed the ordinary bounds of duty, in the high callings of patriotic display. From John Smith and Miles Standish, down to Wadsworth and his gallant friends, who made themselves a sacrifice on the altar of their country's glory, there have not been wanting men who emulated the heroes of antiquity. Among these may be ranked William Eaton, who was born at Woodstock, in Connecticut, on the 20th of February, 1764. His father was a small farmer, and William was one of thirteen children. He was considered a bright boy, and distinguished himself in the common school in his native town, the good people of which thought him destined to make a superior man; but nothing offering to suit him in the way of traffic, or as a profession, he, at sixteen years of age, enlisted as a common soldier. In this situation he remained until 1783, when he was discharged with the rank of corporal. He was now determined on the study of the languages, and by dint of application, yet with very little assistance, he prepared himself to enter Dartmouth college. On leaving college, in order to earn a subsistence, he commenced a school, which he continued for three years; but he was not satisfied with his employment, and panted for something of a more active nature. The house of representatives in the state of Vermont, made him, for a time, their clerk, after which, by the recommendations of individuals of that state, he obtained a captain's commission in the army of the United States. He proceeded to the frontiers with his company, where he served under General Wayne, and gained the reputation of a gallant officer. In 1797, he was appointed consul at Tunis. In the discharge of his duties in this office, he was frequently embroiled with the Bey, and his life endangered by the daring and independent course he pursued. He may be said to have beard the barbarian in his castle. The course of his conduct in this situation was such as no representative of any christian power had ever set an example, and he escaped death by a miracle. About this time, the bashaw of Tripoli declared war against the United States. The reigning bashaw was a usurper, and the lawful one, his brother, was at Tunis, in exile. Eaton concerted a plan with the exile, to attack Tripoli by land, while our squadron should co-operate with them, on the sea shore. Eaton returned to the United States, and laid his plan before our government; but they, thinking the scheme altogether too romantic, yet not wishing wholly to discourage it, made him agent for the government; and he sailed with the fleet for the Mediterranean. He proceeded to Alexandria, and by address and management, prevailed on the viceroy of Egypt to suffer him to have an interview with the exiled Bey, who was now among the Mamalukes, in a most distressed situation. They met near Grand Cairo, and entered into a convention for the purpose of attacking Tripoli. Eaton was to be commander in chief of the land forces. Their army consisted of a

which the enemy were defeated. The next day the American frigate Constitution arrived in the harbour, which so terrified the Tripolitans that they fled precipitately to the desert. The frigate came, however, to arrest the operations of Eaton in the midst of his brilliant and successful career. Alarmed at his progress, the reigning bashaw had offered terms of peace, which, being much more favourable than had before been offered, were accepted by Mr. Lear, the authorized agent of the government. Sixty thousand dollars were given as a ransom for the unfortunate American prisoners, and an engagement was made to withdraw all support from Hamet. The nation, proud of the exploits of Eaton,* regretted this diplomatic interference, but the treaty was subsequently ratified by the president and senate.

During the year 1804 the Delaware Indians re-

few American sailors, a small company of artillery, a few straggling Greeks, the servants of Hamet Bashaw, and some camel drivers. With this motley band, he dashed across the desert, in the most noble style, fearless of all difficulties. They were joined by a few Arabian cavalry, and after suffering every hardship, arising from hunger, thirst, and a scorching sun, they reached Bomba, where they found the Argus and Hornet, under the command of Captain Hull, who supplied him and his men with provisions. The army of near four hundred, continued their march to Derne. On the 25th of April, 1804, they encamped near the city, on an eminence which commanded the place, and forthwith sent in a flag to demand a surrender. The inhabitants of Derne thought the exiled Bey was demented, and treated the summons with contempt. A furious assault was made by this strange army, and the place was carried after a short, but desperate action. Sixteen days afterwards, several thousand troops of the bashaw's army attacked the victors, but were repulsed with great loss. Shortly after this, another attack was made upon Eaton's forces, and again the Tripolitans were defeated. Eight days after this engagement, another battle was fought, in which Eaton contended with ten times his force. In this he would have been successful, but at the precise moment when victory was about to perch on his adventurous standard, he received the appalling intelligence, that the American commissioners in the fleet, had made a peace with the bashaw then in power. It was stipulated, that Eaton should evacuate Derne, and repair to the fleet. This was a death-blow to his hopes. He felt himself insulted and disgraced, to be obliged, after all his exertions and sacrifices, to leave his friends like a recreant or a coward; but there was no other course for him to pursue. Hamet Bashaw came to the United States, with a few of his followers, and the remainder of the army fled to the mountains. The commissioners acknowledged that his success paved the way to the treaty of peace. The president of the United States, in a message to congress, spoke highly of General Eaton's services; and the citizens every where hailed him as worthy of a place in the lists of chivalry.

Something more substantial than praise was awarded him by the state of Massachusetts, the legislature of which granted him 10,000 acres of land, as a reward for his heroism and services. Yet, notwithstanding all the honours bestowed on him, his feelings were wounded beyond a cure. He could not forget that the laurel was within his grasp, and that it had been snatched from him, as he thought, by envious feelings at his prospect of brilliant success. The people of the town in which he resided, elected him as their representative to the legislature of Massachusetts, and he was received in Boston with every mark of attention. There he entered deeply into public business, and seemed anxious to become an orator. He had a good voice, a fine command of expressive language, and at first made a strong impression upon the public; but he talked when he had not examined the subject, and often involved himself

linquished to the United States their title to an extensive tract east of the Mississippi, between the Wabash and Ohio, for which they were to receive annuities in animals and implements for agriculture, and in other necessities. This was an important acquisition, not only for its extent and fertility, but because, by its commanding the Ohio for three hundred miles, and nearly half that distance the Wabash, the produce of the settled country could be safely conveyed down those rivers, and, with the cession recently made by the Kaskaskias, it nearly consolidated the possessions of the United States north of the Ohio, from Lake Erie to the Mississippi.

Early in the following year Mr. Jefferson was re-elected to fill the president's chair by the decided majority of sixty-two votes against sixteen, a circumstance which he viewed as an indication of a great decay in the strength of the federal party.* George Clinton was also elected vice-president.

The American government at this period began to be seriously affected by the contest which was raging in Europe. Under the guidance of the splendid talents of Napoleon the military prowess of France had brought most of the European nations to her feet. England, however, still retained almost undisputed command of the ocean, expelling every hostile navy from the seas. America profited from the destruction of the ships and commerce of other nations; being neutral, her vessels carried from port to port the productions of France and the dependant kingdoms; and also to the ports of those kingdoms the manufactures of England: indeed, few ships were found on the ocean except those of the United States and Great Britain. These advantages were, however, too great to be long enjoyed unmolested. American ships carrying to Europe the produce of French colonies were, in the early stage of the war, captured by British cruisers, and condemned by their courts as lawful prizes; and now several European ports under the control of France were, by British orders in council, dated in May, 1806, declared in a state of blockade, although not invested with a British fleet; and American vessels attempting to enter those ports were also captured and condemned. France and her allies suffered, as well as the United States, from these proceedings; but her vengeance fell not so much upon the belli-

gerent as upon the neutral party. By a decree, issued at Berlin in November, 1806, the French emperor declared the British Islands in a state of blockade, and of course authorized the capture of all neutral vessels attempting to trade with those islands. From these measures of both nations the commerce of the United States severely suffered, and their merchants loudly demanded of the government redress and protection.

This was not the only grievance to which the contest between the European powers gave rise. Great Britain claimed a right to search for and seize English sailors, even on board neutral vessels while traversing the ocean. In the exercise of this pretended right, citizens of the United States were seized, dragged from their friends, transported to distant parts of the world, compelled to perform the duty of British sailors, and to fight with nations at peace with their own. Against this outrage upon personal liberty and the rights of American citizens, Washington, Adams, and Jefferson had remonstrated in vain. The abuse continued, and every year added to its aggravation. In June, 1807, a circumstance occurred which highly and justly incensed the Americans. The frigate *Chesapeake*, being ordered on a cruise in the Mediterranean sea, under the command of Commodore Barron, sailing from Hampton Roads, was come up with by the British ship of war *Leopard*, one of a squadron then at anchor within the limits of the United States. An officer was sent from the *Leopard* to the *Chesapeake*, with a note from the captain respecting some deserters from some of his Britannic majesty's ships, supposed to be serving as part of the crew of the *Chesapeake*, and enclosing a copy of an order from Vice-Admiral Berkeley, requiring and directing the commanders of ships and vessels under his command, in case of meeting with the American frigate at sea, and without the limits of the United States, to show the order to her captain, and to require to search his ship for the deserters from certain ships therein named, and to proceed and search for them; and if a similar demand should be made by the American, he was permitted to search for deserters from their service, according to the customs and usage of civilized nations on terms of amity with each other. Commodore Barron gave an answer, purporting that he knew of

in blunders, from which he had no art to get free; and at length lost his influence in debate. He was chafed by the slightest opposition, and such irritability will never do for one who enters upon the arena of debate. He became irregular in his habits, and sought to drown his sorrows in the wine cup; but he forgot that miseries are sadly multiplied by drink, as images are in the vision of the

inebriated. He died in 1811. In some of his compositions, there is a depth and force that is impressive. His mind was of an epic cast, and had he lived in the days of the crusades, his name would have been numbered with the *Dunois* of song.--*Knapp's American Biography*.

* *Memoirs and Correspondence of Thomas Jefferson*, vol. iv. p. 34.

no such men as were described; that the recruiting officers for the Chesapeake had been particularly instructed by the government, through him, not to enter any deserters from his Britannic Majesty's ships; that he knew of none such being in her; that he was instructed never to permit the crew of any ship under his command to be mustered by any officers but her own; that he was disposed to preserve harmony, and hoped his answer would prove satisfactory. The *Leopard*, shortly after this answer was received by her commander, ranged along side of the Chesapeake, and commenced a heavy fire upon her. The Chesapeake, unprepared for action, made no resistance, but having suffered much damage, and lost three men killed, and eighteen wounded, Commodore Barron ordered his colours to be struck, and sent a lieutenant on board the *Leopard*, to inform her commander that he considered the Chesapeake her prize. The commander of the *Leopard* sent an officer on board, who took possession of the Chesapeake, mustered her crew, and, carrying off four of her men, abandoned the ship. Commodore Barron, finding that the Chesapeake was very much injured, returned, with the advice of his officers, to Hampton Roads. On receiving information of this outrage, the president, by proclamation, interdicted the harbours and waters of the United States to all armed British vessels, forbade intercourse with them, and ordered a sufficient force for the protection of Norfolk, and such other preparations as the occasion appeared to require. An armed vessel of the United States was despatched with instructions to the American minister at London to call on the British government for the satisfaction and security which this outrage required.

Bonaparte having declared his purpose of enforcing with rigour the Berlin decree; the British government having solemnly asserted the right of search and impressment, and having intimated their intention to adopt measures in retaliation of the French decree, the president recommended to congress that the seamen, ships, and merchandise of the United States should be detained in port to preserve them from the dangers which threatened them on the ocean; and a law laying an indefinite embargo was in consequence enacted. A few days only had elapsed when information was received that Great Britain had prohibited neutrals, except upon most injurious conditions, from trading with France or her allies, comprising nearly every maritime nation of Europe. This was followed in a few weeks by a decree issued by Bonaparte, at Milan, declaring that every neutral vessel which should submit to be

visited by a British ship, or comply with the terms demanded, should be confiscated, if afterwards found in his ports, or taken by his cruisers. Thus, at the date of the embargo, were orders and decrees in existence rendering liable to capture almost every American vessel sailing on the ocean. In the New England states, the embargo, withholding the merchant from a career in which he had been highly prosperous, and in which he imagined that he might still be favoured by fortune, occasioned discontent and clamour. The federalists, more numerous there than in any other part of the union, pronounced it a measure unwise and oppressive. These representations, and the distress which the people endured, induced a zealous opposition to the measures of the government.

The president, in his message on the opening of the tenth congress, stated the continued disregard shown by the belligerent nations to neutral rights, so destructive to the American commerce; and referred it to the wisdom of congress to decide on the course best adapted to such a state of things. "With the Barbary powers," he said, "we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers towards our consul to that regency," the character and circumstances of which he laid before congress. "With our Indian neighbours the public peace has been steadily maintained. From a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily, is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation has now under consideration to solicit the friendship of the United States, and to be identified with us in laws and government in such progressive manner as we shall think best."

Mr. Jefferson, following and confirming the example of Washington, determined not to continue in office for a longer term than eight years. "Never did a prisoner," says the president of the American republic, "released from his chains, feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight. But the enormities of the times in which I have lived have forced me to take a part in resisting them, and to commit myself on the boisterous ocean of political passions. I thank God for the opportunity

of retiring from them without censure, and carrying with me the most consoling proofs of public approbation. I leave every thing in the hands of men so able to take care of them, that if we are destined to meet misfortunes it will be because no human wisdom could avert them.”*

CHAPTER V.

ADMINISTRATION OF MR. MADISON.

MR. JEFFERSON was succeeded in the presidency by Mr. Madison. He stated in his inaugural address, that, “Unwilling to depart from examples of the most revered authority, I avail myself of the occasion, now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself, by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel, that both the honour and the responsibility, allotted to me, are inexpressibly enhanced.

“The present situation of the world is indeed without a parallel; and that of our country full of difficulties. The pressure of these too is the more severely felt, because they have fallen upon us at a moment, when national prosperity being at a height not before attained, the contrast resulting from this change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments every where multiplying over the face of our land.

“It is a precious reflection, that the transition from this prosperous condition of our country to the scene, which has for some time been distressing us, is not

chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace, by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candour in the world, the truth of these assertions will not be questioned. Posterity at least will do justice to them.

“This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations, that not even a pretext for them has been given by the United States, and of the fair and liberal attempts to induce a revocation of them, cannot be anticipated. Assuring myself, that under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honour, and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles which I bring with me into this arduous service.

“To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussions and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the states as the basis of their peace and happiness; to support the constitution, which is the cement of the union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with and essential to the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve, in their full energy, the other salutary provisions in behalf of pri-

* Memoirs, &c. vol. iv. p. 129.

vate and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honourable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering, that an armed and trained militia is the firmest bulwark of republics, that without standing armies their liberty can never be in danger, nor, with large ones, safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favour, in like manner, the advancement of science and the diffusion of information, as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbours, from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state:—as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

“It is my good fortune, moreover, to have the path in which I am to tread, lighted by examples of illustrious services, successfully-rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor, it might least become me here to speak; I may, however, be pardoned for not suppressing the sympathy, with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness. But the source to which I look for the aids, which alone can supply my deficiencies, is in the well tried intelligence and virtue of my fellow-citizens, and in the councils of those representing them in the other departments associated in the care of the national interests. In these, my confidence will, under every difficulty, be best placed; next to that, we have all been encouraged to feel in the guardianship and guidance of that Almighty Being, whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.”

One of the first acts of congress under the new president was to repeal the embargo; but at the same time to prohibit all intercourse with France and England.

In the non-intercourse law a provision was inserted, that if either nation should revoke her hostile edicts, and the president should announce that fact

by proclamation, then the law should cease to be in force in regard to the nation so revoking. On the 23d of April, Mr. Erskine, minister plenipotentiary from his Britannic majesty to the United States, pledged his court to repeal its anti-neutral decrees by the 10th of June; and, in consequence of an arrangement now made with the British minister, the president proclaimed that commercial intercourse would be renewed on that day; but this arrangement was disavowed by the ministry; and, in October, Mr. Erskine was replaced by Mr. Jackson, who soon giving offence to the American government, all further intercourse with him was refused, and he was recalled.

The Rambouillet decree, alleged to be designed to retaliate the act of congress, which forbade French vessels to enter the ports of the United States, was issued by Bonaparte on the 23d of March. By this decree, all American vessels and cargoes, arriving in any of the ports of France, or of countries occupied by French troops, were ordered to be seized and condemned.

On the 1st of May congress passed an act, excluding British and French armed vessels from the waters of the United States; but providing, that if either of the above nations should modify its edicts before the 3d of March, 1811, so that they should cease to violate neutral commerce, of which fact the president was to give notice by proclamation, and the other nation should not, within three months after, pursue a similar course, commercial intercourse with the first might be renewed, but not with the other.

In August the French government assured Mr. Armstrong, the American envoy at Paris, that the Berlin and Milan decrees were revoked, the revocation to take effect on the first day of November ensuing. Confiding in this assurance, the president, on the second day of November, issued his proclamation, declaring that unrestrained commerce with France was allowed, but that all intercourse with Great Britain was prohibited.*

Great Britain having previously expressed a willingness to repeal her orders, whenever France should repeal her decrees, was now called upon by the American envoy to fulfil that engagement. The British ministry objected, however, that the French decrees could not be considered as repealed, a letter from the minister of state not being, for that purpose, a document of sufficient authority; and still persisted to enforce the orders in council. For this purpose British ships of war were stationed before the principal harbours of the United States. All American merchantmen, departing or returning, were

boarded, searched, and many of them sent to British ports as legal prizes. The contempt in which the British officers held the Republican navy, in one instance, led to an action. Commodore Rogers, in the President frigate, met in the evening a vessel on the coast of Virginia: he hailed; but, instead of receiving an answer, was hailed in turn, and a shot was fired, which struck the mainmast of the President. The fire was instantly returned by the commodore, and continued for a few minutes, when, finding his antagonist was of inferior force, and that her guns were almost silenced, he desisted. On hailing again, an answer was given, that the ship was the British sloop of war, *Little Belt*, of eighteen guns. Thirty-two of her men were killed and wounded, and the ship was much disabled.

For several years the Indian tribes, residing near the sources of the Mississippi, had occupied themselves in murdering and robbing the white settlers in their vicinity. At length the frontier inhabitants, being seriously alarmed by their hostile indications, in the autumn of 1811 Governor Harrison resolved to move towards the Prophet's town, on the Wabash, with a body of Kentucky and Indiana militia, and the fourth United States regiment, under Colonel Boyd, to demand satisfaction of the Indians, and to put a stop to their threatened hostilities. His expedition was made early in November. On his approach within a few miles of the Prophet's town, the principal chiefs came out with offers of peace and submission, and requested the governor to encamp for the night; but this was only a treacherous artifice. At four in the morning the camp was furiously assailed, and a bloody contest ensued; the Indians were however repulsed. The loss on the part of the Americans was sixty-two killed, and one hundred and twenty-six wounded, and a still greater number on the side of the Indians. Governor Harrison, having destroyed the Prophet's town, and established forts, returned to Vincennes.

In November reparation was made by the British for the attack on the Chesapeake. Mr. Foster, the British envoy, informed the secretary of the United States, that he was instructed to repeat to the American government the prompt disavowal made by his majesty, on being apprized of the unauthorized act of the officer in command of his naval forces on the coast of America, whose recall from a highly important and honourable command immediately ensued, as a mark of his majesty's disapprobation; that he was authorized to offer, in addition to that disavowal on the part of his royal highness, the immediate restoration, as far as circumstances would admit, of the men

who, in consequence of Admiral Berkeley's orders, were forcibly taken out of the Chesapeake, to the vessels from which they were taken; or, if that ship were no longer in commission, to such seaport of the United States as the American government may name for the purpose; and that he was also authorized to offer to the American government a suitable pecuniary provision for the sufferers, in consequence of the attack on the Chesapeake, including the families of those seamen who fell in the action, and of the wounded survivors. The president acceded to these propositions; and the officer commanding the Chesapeake, then lying in the harbour of Boston, was instructed to receive the men who were to be restored to that ship. The British envoy, however, could give no assurance that his government was disposed to make a satisfactory arrangement of the subject of impressment, or to repeal the orders in council. These orders, on the contrary, continued to be enforced with rigour; and, on the restoration of a free commerce with France, a large number of American vessels, laden with rich cargoes, and destined to her ports, fell into the power of British cruisers, which, since 1803, had captured nine hundred American vessels.

Early in November, 1811, President Madison summoned the congress. His message indicating an apprehension of hostilities with Great Britain, the committee of foreign relations in the house of representatives reported resolutions for filling up the ranks of the army; for raising an additional force of ten thousand men; for authorizing the president to accept the services of fifty thousand volunteers, and for ordering out the militia when he should judge it necessary; for repairing the navy; and for authorizing the arming of merchantmen in self-defence. A bill from the senate, for raising twenty-five thousand men, after much discussion, was also agreed to by the house.

The American congress, although continuing the preparations for war, still cherished the hope that a change of policy in Europe would render unnecessary an appeal to arms till May in the following year. Towards the close of that season, the *Hornet* arrived from London, bringing information that no prospect existed of a favourable change. On the 1st of June, the president sent a message to congress, recounting the wrongs received from Great Britain, and submitting the question, whether the United States should continue to endure them, or resort to war? The message was considered with closed doors. On the 18th, an act was passed, declaring war against Great Britain; and the next day a proclamation was issued. Against this declaration, however, the representatives, belonging to the federal

party, presented a solemn protest, which was written with great ability.

At the time of the declaration of war, General Hull was also governor of the Michigan territory, of which Detroit is the capital. On the 12th of July, with two thousand regulars and volunteers, he crossed the river dividing the United States from Canada, apparently intending to attack Malden, and thence to proceed to Montreal. Information was, however, received, that Mackinaw, an American post above Detroit, had surrendered to a large body of British and Indians, who were rushing down the river in numbers sufficient to overwhelm the American forces. Panic-struck, General Hull hastened back to Detroit. General Brock, the commander at Malden, pursued him, and erected batteries opposite Detroit. The next day, meeting with no resistance, General Brock resolved to march directly forward and assault the fort. The American troops awaited the approach of the enemy, and anticipated victory; but, to their dismay, General Hull opened a correspondence, which ended in the surrender of the army, and of the territory of Michigan. An event so disgraceful, occurring in a quarter where success was confidently anticipated, caused the greatest mortification and amazement throughout the union.

General Van Rensselaer, of the New York militia, had the command of the troops which were called the army of the centre. His head-quarters were at Lewistown on the river Niagara, and on the opposite side was Queenstown, a fortified British post. The militia displaying great eagerness to be led against the enemy, the general determined to cross the river at the head of about one thousand men: though successful at first, he was compelled, after a long and obstinate engagement, to surrender. General Brock, the British commander, fell in rallying his troops.

The army of the north, which was under the immediate command of General Dearborn, was stationed at Greenbush, near Albany, and at Plattsburgh, on Lake Champlain. From the latter post, a detachment marched a short distance into Canada, surprised a small body of British and Indians, and destroyed a considerable quantity of public stores. Other movements were anxiously expected by the people; but, after the misfortunes of Detroit and Niagara, the general deemed it inexpedient to engage in any important enterprise.

While, on land, defeat and disgrace attended the arms of the republic, on the ocean they gained victories, which compensated their loss, and relieved their wounded pride. On the 19th of August, Cap-

tain Hull, commanding the Constitution, of forty-four guns, fell in with the British frigate, *Le Guerriere*. She advanced towards the Constitution, firing broadsides at intervals; the American reserved her fire till she had approached within half pistol shot, when a tremendous cannonade was directed upon her, and in thirty minutes, every mast and nearly every spar being shot away, Captain Dacres struck his flag. Of the crew, fifty were killed and sixty-four wounded; while the Constitution had only seven killed and seven wounded. The *Guerriere* received so much injury, that it was thought to be impossible to get her into port, and she was burned. Captain Hull, on his return to the United States, was welcomed with enthusiasm by his grateful and admiring countrymen. The vast difference in the number of killed and wounded certainly evinced great skill, as well as bravery, on the part of the American seamen. But this was the first only of a series of naval victories. On the 18th of October, Captain Jones, in the *Wasp*, of eighteen guns, captured the *Frolic*, of twenty-two, after a bloody conflict of three-quarters of an hour. In this action the Americans obtained a victory over a superior force; and, on their part, but eight were killed and wounded, while on that of the enemy about eighty. The *Wasp* was unfortunately captured, soon after her victory, by a British ship of the line. On the 25th, the frigate *United States*, commanded by Captain Decatur, captured the British frigate *Macedonian*. In this instance, also, the disparity of loss was astonishingly great: on the part of the enemy, a hundred and four were killed and wounded; on that of the Americans but eleven. The *United States* brought her prize safely to New York. A most desperate action was fought, on the 29th of December, between the Constitution, of forty-four guns, then commanded by Captain Bainbridge, and the British frigate *Java*, of thirty-eight. The combat continued more than three hours; nor did the *Java* strike till she was reduced to a mere wreck. Of her crew, a hundred and sixty one were killed and wounded, while of that of the Constitution there were only thirty-four.

These naval victories were peculiarly gratifying to the feelings of the Americans; they were gained in the midst of disasters on land, and by that class of citizens whose rights had been violated; they were gained over a nation whom long-continued success had taught to consider themselves lords of the sea, and who had confidently affirmed that the whole American navy would soon be swept from the ocean. Many British merchantmen were also captured, both by the American navy and by privateers, which is-

sued from almost every port, and were remarkably successful. The number of prizes made during the first seven months of the war exceeded five hundred.

At the commencement of the session of congress, held in the autumn of 1812, the president, in his message, stated that immediately after the declaration of war, he communicated to the British government the terms on which its progress might be arrested; that these terms were, the repeal of the orders in council, the discharge of American seamen, and the abandonment of the practice of impressment; and that the ministry had declined to accede to his offers. He also stated that, at an early period of the war, he had received official information of the repeal of the orders in council; that two propositions for an armistice had been made to him, both of which he had rejected, as they could not have been accepted without conceding to Great Britain the right of impressment. The rejection of these propositions was approved by the national representatives, who, far from abandoning the ground they had taken, adopted more vigorous measures for the prosecution of the war.

While the war was proceeding in America, a friendly power abroad interposed for its termination. Soon after the spring session of congress, an offer was communicated from the emperor of Russia of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The offer was immediately accepted by the American government, and provision made for the contemplated negotiation. Albert Gallatin, James A. Bayard, and John Quincy Adams, were appointed commissioners, and invested with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They were also authorized to enter into such conventional regulations of the commerce between the two countries as might be mutually advantageous. The two first named envoys preceded to join their colleague at St. Petersburg, where he then was as resident minister from the United States. A commission was also given to the envoys, authorizing them to conclude a treaty of commerce with Russia, with a view to strengthen the amicable relations, and improve the beneficial intercourse, between the two countries.

On the 24th of May, congress was convened by proclamation of the president. Laws were enacted, imposing a direct tax of three millions of dollars; authorizing the collection of various internal duties; providing for a loan of seven and a half millions of dollars; and prohibiting the merchant vessels of the United States from sailing under British licenses.

Near the close of the session, a committee appointed to inquire into the subject made a long report upon the spirit and manner in which the war had been conducted by the British.

The scene of the campaign of 1813 was principally in the north, towards Canada. Brigadier-General Winchester, of the United States army, and nearly five hundred men, officers and soldiers, were made prisoners at Frenchtown, by a division of the British army from Detroit, with their Indian allies, under Colonel Procter. Colonel Procter leaving the Americans without a guard, the Indians returned, and deeds of horror followed. The wounded officers were dragged from the houses, killed, and scalped in the streets. The buildings were set on fire. Some who attempted to escape were forced back into the flames, while others were put to death by the tomahawk, and left shockingly mangled in the highway. The infamy of this butchery does not fall upon the perpetrators alone, but extends to those who were able, and were bound by a solemn engagement, to restrain them. The battle and massacre at Frenchtown clothed Kentucky and Ohio in mourning. Other volunteers, indignant at the treachery and cruelty of their foes, hastened to the aid of Harrison. He marched to the rapids of the Miami, where he erected a fort, which he called Forts Meigs, in honour of the governor of Ohio. On the 1st of May it was invested by a large number of Indians, and by a party of British troops from Malden, the whole commanded by Colonel Procter. An unsuccessful attempt to raise the siege was made by General Clay, at the head of twelve hundred Kentuckians; but the fort continued to be defended with bravery and skill. The Indians, unaccustomed to sieges, became weary and discontented; and, on the 8th of May, they deserted their allies. The British, despairing of success, then made a precipitate retreat.

On the northern frontier a body of troops had been assembled, under the command of General Dearborn, at Sackett's Harbour, and great exertions were made by Commodore Chauncey to build and equip a squadron on Lake Ontario, sufficiently powerful to contend with that of the British. By the 25th of April the naval preparations were so far completed, that the general and seventeen thousand troops were conveyed across the lake to the attack of York, the capital of Upper Canada. On the 27th, an advanced party, commanded by Brigadier-General Pike, who was born in a camp, and bred a soldier from his birth, landed, although opposed at the water's edge by a superior force. After a short but severe conflict, the British were driven to their fortifica-

tions. The rest of the troops having landed, the whole party pressed forward, carried the first battery by assault, and were moving towards the main works, when the English magazine blew up, with a tremendous explosion, hurling upon the advancing troops immense quantities of stone and timber. Numbers were killed; the gallant Pike received a mortal wound; the troops halted for a moment, but, recovering from the shock, again pressed forward, and soon gained possession of the town. Of the British troops, one hundred were killed, nearly three hundred were wounded, and the same number made prisoners.

The object of the expedition attained, the squadron and troops returned to Sackett's Harbour, and subsequently sailed to Fort George, situated at the head of the lake. After a warm engagement, the British abandoned the fort and retired to the heights, at the head of Burlington Bay.

While the greater part of the American army was thus employed, the British made an attack upon the important post of Sackett's Harbour. On the 27th of May, their squadron appeared before the town. Alarm guns instantly assembled the citizens of the neighbourhood. General Brown's force amounted to about one thousand men; a slight breastwork was hastily thrown up at the only place where the British could land, and behind this he placed the militia, the regulars, under Colonel Backus, forming a second line. On the morning of the 29th, one thousand British troops landed from the squadron, and advanced towards the breastwork; the militia gave way, but by the bravery of the regulars, under the skilful arrangement of General Brown, the British were repulsed, and re-embarked so hastily as to leave behind most of their wounded.

The sea coast was harassed by predatory warfare, carried on by large detachments from the powerful navy of Great Britain. One squadron, stationed in Delaware Bay, captured and burnt every merchant vessel which came within its reach, while a more powerful squadron, commanded by Admiral Cockburn, destroyed the farm-houses and gentlemen's seats along the shore of Chesapeake Bay. Frenchtown, Havre-de-Grace, Fredricktown, and Georgetown were sacked and burnt. Norfolk was saved from a similar fate by the determined bravery of a small force stationed on Craney Island, in the harbour. A furious attack was made upon Hampton, which, notwithstanding the gallant resistance of its small garrison, was captured.

The ocean was the theatre of sanguinary conflicts. Captain Lawrence, in the sloop of war *Hornet*, on

the 23d of February, met the British brig *Peacock*, and a fierce combat ensued. In less than fifteen minutes the *Peacock* struck her colours, displaying at the same time a signal of distress. The victors hastened to the relief of the vanquished; the same strength which had been exerted to conquer was equally ready to save; but the *Peacock* sank before all her crew could be removed, carrying down nine British seamen, and three brave and generous Americans. On his return to the United States, Captain Lawrence was promoted to the command of the frigate *Chesapeake*, then in the harbour of Boston. For several weeks the British frigate *Shannon*, of equal force, had been cruising before the port; and Captain Broke, her commander, had announced his wish to meet, in single combat, an American frigate. Inflamed by this challenge, Captain Lawrence, although his crew was just enlisted, set sail on the 1st of June to seek the *Shannon*. Towards evening of the same day they met, and instantly engaged, with unexampled fury. In a very few minutes, and in quick succession, the sailing master of the *Chesapeake* was killed, Captain Lawrence and three lieutenants were severely wounded, her rigging was so cut to pieces that she fell on board the *Shannon*, Captain Lawrence received a second and mortal wound, and was carried below; at this instant, Captain Broke, at the head of his marines, gallantly boarded the *Chesapeake*, when resistance ceased, and the American flag was struck by the British. Of the crew of the *Shannon* twenty-four were killed and fifty-six wounded. Of that of the *Chesapeake*, forty-eight were killed and nearly one hundred wounded. This unexpected defeat impelled the Americans to seek for circumstances consoling to their pride, and in the journals of the day many such were stated to have preceded and attended the action. The youthful and intrepid Lawrence was lamented, with sorrow deep, sincere, and lasting. When carried below, he was asked if the colours should be struck. "No," he replied, "they shall wave while I live." Delirious from excess of suffering, he continued to exclaim, "Don't give up the ship!"—an expression consecrated by his countrymen. He uttered but few other words during the four days that he survived his defeat.

The next encounter at sea was between the American brig *Argus* and the British brig *Pelican*, in which the latter was victorious. Soon after, the American brig *Enterprise*, commanded by Lieutenant Burrows, captured the British brig *Boxer*, commanded by Captain Blyth. Both commanders were killed in the action, and were buried, each by the other's side, in Portland.

While each nation was busily employed in equipping a squadron on Lake Erie, General Clay remained inactive at Fort Meigs. About the last of July, a large number of British and Indians appeared before the fort, hoping to entice the garrison to a general action in the field. After waiting a few days without succeeding, they decamped, and proceeded to Fort Stephenson, on the river Sandusky. This fort was little more than a picketing, surrounded by a ditch, and the garrison consisted of but one hundred and sixty men, who were commanded by Major Croghan, a youth of twenty-one. The force of the assailants was estimated at about four hundred in uniform, and as many Indians; they were repulsed, and their loss in killed, wounded, and prisoners, is supposed to have exceeded one hundred and fifty, those of the remainder, who were not able to escape were taken off during the night by the Indians. The whole loss of Major Croghan during the siege was one killed and seven slightly wounded. About three the next morning the British sailed down the river, leaving behind them a boat containing clothing and considerable military stores.

By the exertions of Commodore Perry, an American squadron had been fitted out on Lake Erie early in September. It consisted of nine small vessels, in all carrying fifty-four guns. A British squadron had also been built and equipped, under the superintendence of Commodore Barclay. It consisted of six vessels, mounting sixty-three guns. Commodore Perry, immediately sailing, offered battle to his adversary, and on the 10th of September, the British commander left the harbour of Malden to accept the offer. In a few hours the wind shifted, giving the Americans the advantage. Perry, forming the line of battle, hoisted his flag, on which were inscribed the words of the dying Lawrence, "Don't give up the ship." Loud huzzas from all the vessels proclaimed the animation which this motto inspired. About noon the firing commenced; and after a short action two of the British vessels surrendered, and the rest of the American squadron now joining in the battle, the victory was rendered decisive and complete. The British loss was forty-one killed, and ninety-four wounded. The American loss was twenty-seven killed, and ninety-six wounded, of which number twenty-one were killed and sixty-two wounded on board the flag-ship *Lawrence*, whose whole complement of able bodied men before the action was about one hundred. The commodore gave intelligence of the victory to General Harrison in these words: "We have met the enemy, and they are ours. Two ships, two brigs, one schooner, and

one sloop." The Americans were now masters of the lake; but the territory of Michigan was still in the possession of Colonel Procter. The next movements were against the British and Indians at Detroit and Malden. General Harrison had previously assembled a portion of the Ohio militia on the Sandusky river; and on the 7th of September four thousand from Kentucky, the flower of the state, with Governor Shelby at their head, arrived at his camp. With the co-operation of the fleet, it was determined to proceed at once to Malden. On the 27th the troops were received on board, and reached Malden on the same day; but the British had, in the mean time, destroyed the fort and public stores, and had retreated along the Thames towards the Moravian villages, together with Tecumseh's Indians, amounting to twelve or fifteen hundred. It was now resolved to proceed in pursuit of Procter. On the 5th of October a severe battle was fought between the two armies at the river Thames, and the British army was taken by the Americans. In this battle Tecumseh was killed, and the Indians fled. The British loss was nineteen regulars killed, and fifty wounded, and about six hundred prisoners. The American loss, in killed and wounded, amounted to upwards of fifty. Procter made his escape down the Thames. On the 29th of September the Americans took possession of Detroit, which, on the approach of Harrison's army, had been abandoned by the British. Preparations were now made for subduing Upper Canada, and taking Montreal; but owing to the difficulties attending the concentration of the troops, and perhaps also to the want of vigour in the commanders, that project was abandoned, and the army under Wilkinson, marching to French Mills, there encamped for the winter. This abortive issue of the campaign occasioned murmurs throughout the nation, and the causes which led to it have never been fully developed. The severest censure fell upon General Armstrong, who was secretary of war, and upon General Hampton. The latter soon after resigned his commission in the army, and General Izard was selected to command the post at Plattsburgh.

Major-General Harrison, commander in chief of the eighth military district in the United States, issued a proclamation, stating, that the enemy having been driven from the territory of Michigan, and a part of the army under his command having taken possession of it, it became necessary that the civil government of the territory should be re-established, and the former officers resume the exercise of their authority. He therefore proclaimed, that all appointments and commissions which have been derived from British

officers were at an end ; that the citizens were restored to all the rights and privileges which they enjoyed previously to the capitulation made by General Hull on the 15th of August, 1812 ; and, until the will of the government should be known, directed that all persons having civil offices in the territory of Michigan, at the period of the capitulation of Detroit, should resume the exercise of the powers appertaining to their offices respectively.

The United States squadron, chased by Commodore Hardy with a superior naval force, had taken refuge in the harbour of New London, where the decayed and feeble state of the fortifications afforded a precarious defence. The menacing appearance of the British squadron at the entrance of the harbour, and the strong probability that the town would be destroyed in the conflict, which had been long expected, produced among the inhabitants the greatest consternation. In this moment of alarm, the major-general of the third division, and the brigadier-general of the third brigade, considered themselves justified, at the earnest entreaty of the citizens, in summoning the militia to their assistance. Governor Smith, of Connecticut, approved this proceeding, and immediately forwarded supplies, and adopted measures of defence. "On this occasion," said the governor to the legislature, "I could not hesitate as to the course which it became my duty to pursue. The government of Connecticut, the last to invite hostilities, should be the first to repel aggression."

The Indians at the southern extremity of the union had imbibed the same hostile spirit as those at the north-western. They had been visited by Tecumseh, and by his eloquence had been persuaded that the great spirit required them to unite and attempt the extirpation of the whites. In the fall of 1812, a cruel war was carried on by the Creeks and Seminoles against the frontier inhabitants of Georgia. General Jackson, at the head of two thousand five hundred volunteers from Tennessee, marched into the country of the Indians. Overawed by his presence, they desisted for a time from hostility ; but, after his return, their animosity burst forth with increased and fatal violence. Dreading their cruelty, about three hundred men, women, and children, sought safety in Fort Mimms, in the Tensaw settlement. Although frequent warnings of an intended attack had been given them, yet, at noon day, on the 30th of August, they were surprised by a party of six hundred Indians, who, with axes, cut their way into the fort, and drove the people into the houses which it enclosed. To these they set fire. Many persons were burnt, and many killed by the toma-

hawk. Only seventeen escaped to carry the horrid tidings to the neighbouring stations. The whites resolved on vengeance. Again General Jackson, at the head of three thousand five hundred militia of Tennessee, marched into the southern wilderness. A detachment under General Coffee encountering at Tallushatchie a body of Indians, a sanguinary conflict ensued. The latter fought with desperation, neither giving nor receiving quarter, until nearly every warrior had perished. Yet still was the spirit of the Creeks unsubdued, and their faith in victory unshaken. With no little sagacity and skill they selected and fortified another position on the Tallapoosa, called by themselves Tohopeka, and by the whites Horse-shoe Bend. Here nearly a thousand warriors, animated with a fierce and determined resolution, were collected. Three thousand men, commanded by General Jackson, marched to attack this post. To prevent escape, a detachment under General Coffee encircled the Bend. The main body advanced to the fortress ; and for a few minutes the opposing forces were engaged muzzle to muzzle at the port-holes ; but at length the troops, leaping over the walls, mingled in furious combat with the savages. When the Indians, fleeing to the river, beheld the troops on the opposite bank, they returned and fought with increased fury and desperation. Six hundred warriors were killed ; four only yielded themselves prisoners ; the remaining three hundred escaped. Of the whites, fifty-five were killed, and one hundred and forty-six wounded. It was deemed probable that further resistance would be made by the Indians at a place called the Hickory-ground ; but on General Jackson's arriving thither in April, 1814, the principal chiefs came out to meet him, and among them was Wetherford, a half-blood, distinguished equally for his talents and cruelty. "I am in your power," said he, "do with me what you please. I have done the white people all the harm I could. I have fought them, and fought them bravely. There was a time when I had a choice ; I have none now, even hope is ended. Once I could animate my warriors ; but I cannot animate the dead. They can no longer hear my voice ; their bones are at Tallushatchie, Talladega, Emuckfaw, and Tohopeka. While there was a chance of success I never supplicated peace ; but my people are gone, and I now ask it for my nation and myself." Peace was concluded, and General Jackson and his troops enjoyed an honourable but short repose.

It was the declared intention of the British to lay waste the whole American coast, from Maine to Georgia. Of this intention demonstration was made

by their descent upon Pettipauge, and the destruction which followed in that harbour. Early in April, a number of British barges, supposed to contain about two hundred and twenty men, entered the mouth of Connecticut River, passed up seven or eight miles, and came on shore at a part of Saybrook called Pettipauge, where they destroyed about twenty-five vessels. Guards of militia were placed without delay at nearly all the vulnerable points on the seaboard, and where troops could not be stationed, patrols of videttes were constantly maintained.

On the 25th of April, Admiral Cochrane declared, in addition to the ports and places blockaded by Admiral Warren, all the remaining ports, harbours, bays, creeks, rivers, inlets, outlets, islands, and sea coasts of the United States, from Black Point, on Long Island Sound, to the northern and eastern boundaries between the United States and the British province of New Brunswick, to be in a state of strict and rigorous blockade. On the other hand, the president of the United States issued a proclamation, declaring that the blockade proclaimed by the British of the whole Atlantic coast of the United States, nearly two thousand miles in extent, being incapable of execution by any adequate force actually stationed for the purpose, formed no awful prohibition or obstacle to such neutral and friendly vessels as may choose to visit and trade with the United States; and strictly ordered and instructed all the public armed vessels of the United States, and all private armed vessels commissioned as privateers, or with letters of marque and reprisal, not to interrupt, detain, or molest any vessels belonging to neutral powers, bound to any port or place within the jurisdiction of the United States; but, on the contrary, to render all such vessels all the aid and kind offices which they might need or require.

The pacification in Europe offered to the British a large disposable force, both naval and military, and with it the means of giving to the war in America a character of new and increased activity and extent. The friends of the administration anticipated a severer conflict, and prepared for greater sacrifices and greater sufferings. Its opposers, where difficulties thickened and danger pressed, were encouraged to make more vigorous efforts to wrest the reins of authority from men who, they asserted, had shown themselves incompetent to hold them. The president deemed it advisable to strengthen the line of the Atlantic, and therefore called on the executive of several states to organize and hold in readiness for immediate service a corps of ninety-three thousand five hundred men.

The hostile movements on the northern frontier

were now becoming vigorous and interesting. In the beginning of July, General Brown, who had been assiduously employed in disciplining his troops, crossed the Niagara with about three thousand men, and took possession, without opposition, of Fort Erie. In a strong position at Chippewa, a few miles distant, was intrenched an equal number of British troops, commanded by General Riall. On the 4th, General Brown approached their works; and the next day, on the plains of Chippewa, an obstinate and sanguinary battle was fought, which compelled the British to retire to their intrenchments. In this action, which was fought with great judgment and coolness on both sides, the loss of the Americans was about four hundred men, that of the British was upwards of five hundred. Soon afterwards, General Riall, abandoning his works, retired to the heights of Burlington. Here Lieutenant-General Drummond, with a large re-enforcement, joined him, and assuming the command, led back the army towards the American camp. On the 25th was fought the battle of Bridgewater, which began at four in the afternoon, and continued until midnight. After a desperate conflict, the British troops were withdrawn, and the Americans left in possession of the field. The loss on both sides was severe, and nearly equal. Generals Brown and Scott having both been severely wounded, the command devolved upon General Ripley. He remained a few hours upon the hill, collected the wounded, and then returned unmolested to the camp. This battle was fought near the cataract of Niagara, whose roar was silenced by the thunder of cannon and the din of arms, but was distinctly heard during the pauses of the fight. The American general found his force so much weakened, that he deemed it prudent again to occupy Fort Erie. On the 4th of August it was invested by General Drummond with five thousand troops. In the night between the 14th and 15th, the besiegers made a daring assault upon the fort, which was repelled with conspicuous gallantry by the garrison, the former losing more than nine hundred men, the latter but eighty-four. The siege was still continued. On the 2d of September, General Brown, having recovered from his wounds, threw himself into the fort, and took command of the garrison. For their fate great anxiety was felt by the nation, which was, however, in some degree removed, by the march from Plattsburgh of five thousand men to their relief. After an hour of close fighting they entered the fort, having killed, wounded, and taken one thousand of the British. The loss of the Americans was also considerable, amounting to more than five hundred. On the 21st of September, the forty-

ninth day of the siege, General Drummond withdrew his forces.

The march of the troops from Plattsburgh having left that post almost defenceless, the enemy determined to attack it by land, and, at the same time, to attempt the destruction of the American flotilla on Lake Champlain. On the 3d of September, Sir George Prevost, the governor-general of Canada, at the head of fourteen thousand men, entered the territories of the United States. On the 6th they arrived at Plattsburgh. It is situated near Lake Champlain, on the northern bank of the small river Saranac. On their approach, the American troops, who were posted on the opposite bank, tore up the planks of the bridges, with which they formed slight breastworks, and prepared to dispute the passage of the stream. The British employed themselves for several days in erecting batteries, while the American forces were daily augmented by the arrival of volunteers and militia. Early in the morning of the 11th, the British squadron, commanded by Commodore Downie, appeared off the harbour of Plattsburgh, where that of the United States, commanded by Commodore Macdonough, lay at anchor prepared for battle. At nine o'clock the action commenced. Seldom has there been a more furious encounter than the bosom of this transparent and peaceful lake was now called to witness. During the naval conflict, the British on land began a heavy cannonade upon the American lines, and attempted at different places to cross the Saranac; but as often as the British advanced into the water they were repelled by a destructive fire from the militia. At half past eleven the shout of victory heard along the American lines announced the result of the battle on the lake. Thus deprived of naval aid, in the afternoon the British withdrew to their intrenchments, and in the night they commenced a precipitate retreat. Upon the lake the American loss was one hundred and ten; the British one hundred and ninety-four, besides prisoners. On land, the American loss was one hundred and nineteen; that of the British has been estimated as high as two thousand five hundred.

The inhabitants of the middle and southern states, anticipating a great augmentation of the English force, and uncertain where the blow would fall, made exertions to place every exposed position in a posture of defence. About the middle of August, a British squadron of between fifty and sixty sail arrived in the Chesapeake, with troops destined for the attack of Washington, the capital of the United States. A body of five thousand of them having

landed, an action was fought at Bladensburg, six miles from Washington. General Winder commanded the whole American force; Commodore Barney the flotilla. The British were commanded by Major-General Ross and Rear-Admiral Cockburn. The Americans were repulsed, and the British advanced towards the capital. A body of militia had been assembled in this emergency; but the president and heads of departments, on reviewing the force brought out for defence, despaired of success, and dispersed. General Ross, at the head of about seven hundred men, took possession of Washington, and burned the capitol, or senate-house, the President's house, and public offices, the arsenal, the navy yard, and the bridge over the Potomac. The loss of the British in this expedition was nearly a thousand men, in killed, wounded, and missing; the loss of the Americans was ten or twelve killed, and thirty or forty wounded. Commodore Barney's horse was killed under him, and himself wounded in the thigh and taken prisoner; but he was paroled on the field of battle for his bravery. The capture of Washington reflected no credit upon those by whom it ought to have been defended; but the destruction of the national edifices was still more disgraceful to the character of the invaders. The whole civilized world exclaimed against the act, as a violation of the rules of modern warfare. The capitals of most of the European kingdoms had lately been in the power of an enemy; but in no instance had the conqueror been guilty of similar conduct. The act was also as impolitic as it was barbarous; it naturally excited an indignant spirit throughout the republic, and led its inhabitants to vie with each other in exerting all their faculties to overcome the ravagers of their country.

After the capture of Washington, the British army re-embarked on board the fleet in the Patuxent, and Admiral Cockburn moved down that river, and proceeded up the Chesapeake. On the 29th of August, the corporation of Alexandria submitted to articles of capitulation, and the city was delivered up to the British. On the 11th of September, the British admiral appeared at the mouth of the Patapsco, fourteen miles from Baltimore, with a fleet of ships of war and transports amounting to fifty sail. The next day six thousand troops were landed at North Point, and commenced their march towards the city. In this march, when the foremost ranks were harassed by a brisk fire from a wood, Major-General Ross was mortally wounded. A battle was fought on this day. The American forces, the militia, and the inhabitants of Baltimore, made a gallant defence,

but were compelled to retreat ; the British, however, abandoning the attempt to get possession of the city, retired to their shipping during the night of the 13th of September.

On the ocean, the *Essex*, commanded by Captain Porter, after a bloody combat, struck to a British frigate and sloop of war, whose united force was much superior. The American sloop *Peacock* captured the *Epervier* of equal force. The sloop *Wasp*, commanded by Captain Blakely, captured the *Reindeer*, and afterwards, in the same cruise, sank the *Avon*, both of superior force. She made several other prizes, but never returned into port ; she probably foundered at sea.

The closing scene of this unnecessary and disgraceful war, the more detestable when contemplated as a series of human sacrifices for the preservation of a commercial system, was creditable to the genius and bravery of the American republic. The operations of the British in Louisiana were commenced by a small expedition, the naval part under the command of Captain Percy, and the troops under Colonel Nicholls. They landed and took forcible possession of Pensacola, and were aided by the Spaniards in all their proceedings ; they collected all the Indians that would resort to their standard ; and Colonel Nicholls then sent an officer to the piratical establishment at Barrataria to enlist the chief, Lafitte, and his followers, in their cause ; the most liberal and tempting offers were made them. These people, however, showed a decided preference for the American cause ; they deceived the English by delay ; conveyed intelligence of their designs to the Governor at New Orleans, and offered their services to defend the country. Disappointed in securing their aid, the expedition proceeded to the attack of Fort Bowyer, on Mobile point, commanded by Major Lawrence, with one hundred and thirty men. The result, however, was a loss to the besiegers of more than two hundred men ; the commodore's ship was so disabled that they set fire to her, and she blew up, and the remaining three vessels, shattered and filled with wounded men, returned to Pensacola. While the British thus sheltered in this place, where they were busily occupied in bringing over the Indians to join them, General Jackson formed an expedition of about four thousand men, regulars and militia, to dislodge them. He summoned the town, was refused entrance by the Spanish governor, and his flag of truce was fired upon ; the British soldiers being in the forts, where their flag had been hoisted, in conjunction with the Spanish, the day before the American forces appeared. Preparations were imme-

diately made to carry the place ; one battery having been taken by storm, with slight loss on either side, the governor surrendered, the English having previously retired on board their ships. The forts below, which commanded the passage, were blown up, and this enabled the English fleet to put to sea.

General Jackson then evacuated the Spanish territory, and marched his troops back to Mobile and New Orleans, which he reached on the second day of December. Having reviewed a corps of volunteers the day of his arrival, he immediately proceeded to visit every post in the neighbourhood, to give orders for adding fortifications, and establishing defensive works and outposts in every spot where the enemy might be expected, as there was the greatest uncertainty where a landing would be made ; he mingled with the citizens, and infused into the greater part his own spirit and energy. By his presence and exhortations they were animated to exertions of which before they were not supposed to be capable. All who could wield a spade, or carry a musket, were either put to work upon the fortifications, or trained in the art of defending them. The Mississippi, upon the eastern bank of which New Orleans stands, flows to the ocean in several channels ; one leaving the main stream above the city, runs east of it, and forms in its course Lake Ponchartrain and Lake Borgne. Early in December, the British entered this channel, with a force of about eight thousand men, a part of whom had just left the shores of the Chesapeake, the remainder having arrived direct from England. A small squadron of gunboats, under Lieutenant Jones, was despatched to oppose their passage into the lake. These were met by a superior force, and after a spirited conflict, in which the killed and wounded of the British exceeded the whole number of the Americans, they were compelled to surrender. The loss of the gunboats left no means of watching the movements of the enemy, or of ascertaining where the landing would be made. Orders were given for increased vigilance at every post ; the people of colour were formed into a battalion ; the offer of the Barratarians to volunteer, on condition of a pardon for previous offences, if they conducted themselves with bravery and fidelity, was accepted. General Jackson, after applying to the legislature to suspend the act of *habeas corpus*, and finding that they were consuming these extreme moments in discussion, proclaimed martial law, and from that moment his means became more commensurate with the weight of responsibility he had to sustain.

On the 22d, the British, having landed, took a

position near the main channel of the river, about eight miles below the city. In the evening of the 23d, General Jackson made a sudden and furious attack upon their camp. They were thrown into disorder; but they soon rallied, and fought with a bravery at least equal to that of the assailants. Satisfied with the advantage first gained, he withdrew his troops, fortified a strong position four miles below New Orleans, and supported it by batteries erected on the west bank of the river. On the 28th of December, and the 1st of January, vigorous but unsuccessful attacks were made upon these fortifications by the English. In the mean time, both armies had received re-enforcements; and General Sir E. Pakenham, the British commander, resolved to exert all his strength in a combined attack upon the American positions on both sides of the river. With almost incredible industry, he caused a canal, leading from a creek emptying itself into Lake Borgne to the main channel of the Mississippi, to be dug, that he might remove a part of his boats and artillery to that river. On the 7th of January, from the movements observed in the British camp, a speedy attack was anticipated. This was made early on the 8th. The British troops, formed in a close column of about sixty men in front, the men shouldering their muskets, all carrying fascines, and some with ladders, advanced towards the American fortifications, from whence an incessant fire was kept up on the column, which continued to advance, until the musketry of the troops of Tennessee and Kentucky, joined with the fire of the artillery, began to make an impression on it which soon threw it into confusion. For some time the British officers succeeded in animating the courage of their troops, making them advance obliquely to the left, to avoid the fire of a battery, every discharge from which opened the column, and mowed down whole files, which were almost instantaneously replaced by new troops coming up close after the first: but these also shared the same fate, until at last, after twenty-five minutes continual firing, through which a few platoons advanced to the edge of the ditch, the column entirely broke, and part of the troops dispersed, and ran to take shelter among the bushes on the right. The rest retired to the ditch where they had been when first perceived, four hundred yards from the American lines. There the officers with some difficulty rallied their troops, and again drew them up for a second attack, the soldiers having laid down their knapsacks at the edge of the ditch, that they might be less encumbered. And now, for the second time, the column, recruited with the troops that formed the rear, ad-

vanced. Again it was received with the same galling fire of musketry and artillery, till it at last broke again, and retired in the utmost confusion. In vain did the officers now endeavour, as before, to revive the courage of their men; to no purpose did they strike them with the flat of their swords, to force them to advance: they were insensible of every thing but danger, and saw nothing but death, which had struck so many of their comrades. The attack had hardly begun, when the British commander-in-chief, Sir Edward Pakenham, fell a victim to his own intrepidity, while endeavouring to animate his troops with ardour for the assault. Soon after his fall, two other generals, Keane and Gibbs, were carried off the field of battle, dangerously wounded. A great number of officers of rank had fallen: the ground over which the column had marched was strewn with the dead and wounded. Such slaughter on their side, with scarcely any loss on the American, spread consternation through the British ranks, as they were now convinced of the impossibility of carrying the lines, and saw that even to advance was certain death. Some of the British troops had penetrated into the wood towards the extremity of the American line, to make a false attack, or to ascertain whether a real one were practicable. These the troops under General Coffee no sooner perceived, than they opened on them a brisk fire with their rifles, which made them retire. The greater part of those who, on the column's being repulsed, had taken shelter in the thickets, only escaped the batteries to be killed by the musketry. During the whole hour that the attack lasted, the American fire did not slacken for a single moment. By half after eight in the morning, the fire of the musketry had ceased. The whole plain on the left, as also the side of the river, from the road to the edge of the water, was covered with the British soldiers who had fallen. About four hundred wounded prisoners were taken, and at least double that number of wounded men escaped into the British camp; and a space of ground, extending from the ditch of the American lines to that on which the enemy drew up his troops, two hundred and fifty yards in length, by about two hundred in breadth, was literally covered with men, either dead or severely wounded.* Perhaps a greater disparity of loss never occurred; that of the British in killed, wounded, and prisoners, in this attack, which was not made with sufficient judgment, and which, besides, was embarrassed by unforeseen circumstances, was upwards of two thou-

* Historical Memoir of the War in Louisiana, by Major A. L. Latour, Engineer in the United States Army.—Philadelphia, 1816

sand men; the killed and wounded of the Americans was only *thirteen*.

The events of the day on the west side of the river present a striking instance of the uncertainty of military operations. There the Americans were thrice the number of their brave assailants, and were protected by intrenchments; but they ingloriously fled. They were closely pursued, until the British party, receiving intelligence of the defeat of the main army, withdrew from pursuit, and recrossed the river. They then returned and resumed possession of their intrenchments. General Lambert, upon whom the command of the British army had devolved, having lost all hopes of success, prepared to return to his shipping. In his retreat he was not molested: General Jackson wisely resolving to hazard nothing that he had gained, in attempting to gain still more.

The Americans naturally indulged in ecstasies of joy for this signal victory. *Te Deum* was sung at New Orleans, and every demonstration of gratitude manifested by the inhabitants of the Union generally. In speaking of gratitude on this occasion, however, we must not omit a ludicrous instance of the meanness which party-spirit will sometimes exhibit. The state of Louisiana passed votes of thanks to several of the officers concerned in the defence, and omitted General Jackson.*

Although the results of the war had been honourable to the American arms, a large portion of the inhabitants of the New England states were unceasingly opposed to the measures of the administration. The governor of Massachusetts convoked the general court of that state; the legislature of Connecticut was about to hold its usual semi-annual session; and

the legislature of Rhode Island also assembled. When these several bodies met, what should be done in this unexampled state of affairs became a subject of most solemn deliberation. To insure unity of views and concert in action, the legislature of Massachusetts proposed a 'Conference' by delegates from the legislatures of the New England states, and of any other states that might accede to the measure. Their resolution for this purpose, and the circular letter accompanying it, show, that the duty proposed to be assigned to these delegates was merely to devise and recommend to the states, measures for their security and defence, and such measures as were "not repugnant to their federal obligations as members of the Union." The proposition was readily assented to by several states, and the delegates appointed in pursuance of it met at Hartford, on the 15th of December following. The convention recommended, 1. That the states they represent take measures to protect their citizens from "forcible draughts, conscriptions, or impressments, not authorized by the constitution of the United States." 2. That an earnest application be made to the government of the United States, requesting their consent to some arrangement, whereby the states separately, or in concert, may take upon themselves the defence of their territory against the enemy, and that a reasonable portion of the taxes collected within the states be appropriated to this object. 3. That the several governors be authorized by law to employ the military force under their command in assisting any state requesting it, to repel the invasions of the public enemy. 4. That several amendments of the constitution of the United States, calculated in their view to prevent a recurrence of

* The reason for this omission was, that, while they were wrangling and delaying to suspend the *habeas corpus* in a moment of the most imperious necessity, the general, to save the country, proclaimed martial law. In consequence of the omission of thanks by the legislature, some of the citizens of New Orleans presented an address to the general; the answer to which is highly characteristic of the gallant officer, now president of the United States:—"Although born and bred in the land of freedom," says the general, "popular favour has always been with me a secondary object. My first wish in political life has been, to be useful to my country. Yet I am not insensible to the good opinion of my fellow-citizens; I would do much to obtain it; but I can not, for this purpose, sacrifice my own conscience, or what I conceive to be the interests of my country. These principles have prepared me to receive with just satisfaction the address you have presented. The first wish of my heart, the safety of our country, has been accomplished; and it affords me the greatest happiness to know, that the means taken to secure this object, have met the approbation of those who have had the best opportunities of judging of their propriety, and who, from their various relations, might be supposed the most ready to censure any which had been improperly resorted to. The distinction you draw, gentlemen, between those who only declaim about civil rights, and those who fight to maintain them, shows how just and practical a knowledge you have of the true principles of liberty—without such knowledge all theory is useless or mischievous. It is matter of surprise, that they who boast themselves the cham-

pions of those rights and privileges, should not, when they were first put in danger by the proclamation of martial law, have manifested that lively sensibility of which they have since made so ostentatious a display. So far, however, was this from being the case, that this measure not only met, then, the open support of those who, when their country was invaded, thought resistance a virtue, and the silent approbation of all, but even received the particular recommendation and encouragement of many who now inveigh the most bitterly against it. It was not until a victory, secured by that very measure, had lessened the danger which occasioned the resort to it, that the present feeling guardians of our rights discovered that the commanding general ought to have suffered his posts to be abandoned through the interference of a foreign agent—his ranks to be thinned by desertion, and his whole army to be broken to pieces by mutiny; while yet a powerful force of the enemy remained on our coast, and within a few hours sail of your city. Under these circumstances, fellow-soldiers, your resolution to let others declaim about privileges and constitutional rights, will never draw upon you the charge of being indifferent to those inestimable blessings; your attachment to them has been proved by a stronger title—that of having nobly fought to preserve them. You, who have thus supported them against the open pretensions of a powerful enemy, will never, I trust, surrender them to the underhand machinations of men who stand aloof in the hour of peril, and who, when the danger is gone, claim to be the 'defenders of your constitution.'"

the evils of which they complain, be proposed by the states they represent for adoption either by the state legislatures, or by a convention chosen by the people of each state. Lastly, That if the application of these states to the government of the United States should be unsuccessful, and peace should not be concluded, and the defence of these states be still neglected, it would, in their opinion, be expedient for the legislatures of the several states to appoint delegates to another convention, to meet at Boston, in June, with such powers and instructions as the exigency of a crisis so momentous may require. The effect of these proceedings upon the public mind in the aggrieved states, was alike seasonable and salutary. The very proposal to call a convention, and the confidence reposed in the men delegated to that trust, served greatly to allay the passions, and to inspire confidence and hope. Nor was the influence of this body upon the national councils less percepti-

* It could hardly be expected that a writer not residing in this country, could, if he wished to, be an impartial historian in all things, and give his readers a precise account of the effects of the war of 1812 on the United States. It was, in many respects, an expensive contest, every thing having been done by the government to great disadvantage, from the fact, that no preparations had been made for the crisis; but the national debt was nothing, in comparison with the advantageous change the war produced in the reasoning and habits of the people. This event brought the work shops from Europe to our own shores, and we were taught how to acquire and to maintain a true state of independence. Perhaps in the zeal of a new pursuit, the manufacturing interest was too far extended, but this evil will, in the end, cure itself. The maxim of political economy, that was once broached by the Edinburgh Review, that "the Americans should not be allowed to make a hob-nail," will no longer be repeated. The empire of the arts and manufactures is now divided between the two countries. We have as much of it as we desire, and can extend it to our wants. As the learned author of this history, Mr. Hinton, has said but little of political economy, the American editor may be pardoned for an otherwise prolix note.

As our country now presents herself to our view, we feel a self-congratulation and patriotic pride, that is at once just and useful. National pride is always found with pure patriotism. Twenty-four states, independent in all their civil polity and domestic relations, confederated to form one great people, is a novelty under the sun. These states, stretching through so many degrees of latitude, give a great variety of climate and of productions. The agricultural capacity of the country, as a whole, is not only equal to all our own wants, but to the wants of all others, if they should make us their granary. Most of the states are fitted for manufacturing; nature supplying water power to an incalculable extent. This country is also wonderfully fitted for commerce, from its extended seaboard, and numerous safe harbours, and great navigable rivers. It is well calculated for a great naval power, as our ship-timber is abundant, and may be cultivated to any extent required; and our river navigation and fisheries are nurseries for seamen. It is as yet so thinly settled, compared to its territory, that we can have no anxiety of a crowded population. The institutions of law, medicine, and divinity, are in a most flourishing condition, and we count more than half a hundred colleges, with an immense number of minor schools. It is a country full of inventive power, which puts every particle of mind into action. It is also remarkable for enterprise, and the people seize upon all the improvements of other nations. It has a mass of population, which have, more than any other people, *sound minds in sound bodies*, arising more from its moral and political

character. Within three weeks after the adjournment of the Convention and the publication of their report, an act passed both houses of the national legislature, and received the signature of the president, authorizing and requiring him to "receive into the service of the United States any corps of troops which may have been or may be raised, organized, and officered, under the authority of any of the states," to be "employed in the state raising the same, or an adjoining state, and not elsewhere, except with the consent of the executive of the state raising the same." Before the commissioners who were sent to confer with the government could reach Washington, a bill passed the senate, providing for the payment of the troops and militia already called into service under the authority of the states. The arrival of the treaty of peace at this juncture, rendered all farther proceedings unnecessary.*

During the preceding year, the British government

character, than from any other causes. It is a country that has no national religion, but within her borders every one worships God in his own way, if he do not disturb his neighbour; a country without grades in society fixed by law, and where primogeniture and entailment do not exist. It is a country where every one has a right to bear arms for protection and defence, and which could muster two millions of soldiers, if they were necessary, for self-defence. It is a country increasing in population, arts, sciences, letters, and wealth, with the comforts and enjoyments of social life, faster than any other in the world. In short, it is a country that "*knows her rights, and knowing, dares maintain*" them.

Should we be content to take this heritage of ours, without being mindful what it cost our ancestors to present it to us, as it is? Or should we examine the subject most minutely, as we have time or leisure?

Ours is the first nation in the annals of history, that became masters of themselves at once. Freedom has, in general, been gained slowly, and lost rapidly. The magna charta of British liberties, although the foundation of our free institutions, was nothing more than a string of concessions from a tyrant to barons and bishops, who were too strong for him. The great mass of the people had, after this, to gain their rights by slow degrees from the feudal lords of the country. This was done by the yeomanry, artisans, merchants, lawyers, and judges, by determination and perseverance. It is much more difficult to wrest power from aristocrats than from kings; and in the hands of the former it has been more dangerous and cruel than in the latter. The Alexanders, Cæsars, and Charlemagnes, had clemency and generosity in their nature; while the five hundred magnates of Venice, wrapt in the petty consequence of aristocratic pride, breathed their cruel edicts with malignity. Our government emanated from ourselves, and was formed with wholesome jealousies and cautious reservations, and has since been watched with the utmost scrupulosity. But we are in no danger: the staff is in our own hands; we can change the rulers often, if we do not like them, and they can do us but little harm, even at the worst that we can imagine.

It would require a volume to touch upon all the prominent features of our history. We will therefore leave the broad-cast view of our country, to make a few observations on the origin and the progress of the arts; their necessary connexion with the happiness of a great portion of our community; their uses in national defence; for the advancement of national prosperity; for the support of national independence and national pride and glory; and their influence in forming the social, intellectual, moral, and political character of man.

The arts undoubtedly made great progress in early times, for

had declined to treat under the mediation of Russia, and a direct negotiation had been agreed on. Ghent

they had their origin in necessity, and she is the mother of invention. Every new and useful invention was not only hailed as a blessing to mankind, but its author was at once raised to a divinity, and worshipped with the gods. The Scriptures, the oldest of all histories extant, give the invention of dress to Deity, but *man himself soon sought out many inventions*, for he was made, but *little lower than the angels*, in all the capacities of acquiring knowledge. He must have improved rapidly, for it is said, "Cain builded a city;" certain it is, that the monuments of primitive architecture remain in the East, for the astonishment of the traveller of the present day. Time has not been able to destroy them, nor has the much-learned antiquary satisfied us of the precise time when these temples and pyramids were erected.

In early Greece, the arts, both useful and polite, were held in high estimation. The acute and tasteful Athenians were artists and connoisseurs from childhood. Some of their greatest men came out of their workshops. Socrates was a sculptor, and Demosthenes, the master orator of that and every other age, spent a good portion of his boyhood in his father's manufactory of swords and common cutlery. And such was his knowledge of the business, that he impeached the integrity of his guardians, when only seventeen years of age, and won his cause by an argument from his own mouth. The Parthenon alone is a sufficient proof of the successful attention paid the arts in Athens, in her happiest days.

In Rome, the arts, though often patronized by individuals, did not hold the same rank as in Athens; the nation was too fierce and warlike for their successful cultivation. The passion for conquest swallowed up a taste for the arts. The spoils of conquered provinces made them forget the honest earnings of industry, and with them, the fame of skilful artists. The early Roman emperors became the patrons of letters and the arts; in truth, the arts and letters were inseparable, if not equally cherished at the same time. Religious zeal uniting with the skill and science of the architect, in the first centuries of christianity, was turned to the erection of monasteries and churches, and some of them remain to this day, as the highest specimens of talent and taste.

The arts were then almost exclusively confined to architecture; at least, the higher efforts of the artists were certainly to be found in public edifices. Naval architecture was still in its infancy; very little improvement had been made in ship-building, until the use of cannon on board of the large vessels, and this was not until 1444. In 1485, the Great Harry, as she was called, was built by Henry VII. Wonder as she was to the nations, her tonnage was but little more than one of our sloops of war.

Printing came in use about the time cannon were brought into naval warfare. These two inventions changed the character of Europe in less than half a century, and by the time our fathers came to settle this country, science, the arts, and particularly letters, had made great advances. They brought with them all the elementary learning of the age, and sufficient of practical skill for their purposes; but the cultivation of the soil soon offered more inducements than the workshops, and the mechanics were nearly lost in the farmers, visiting their shops only in the winter season. Domestic manufacturing was however carried on, as far as they could find flax and wool, and hides for leather; and for the first century, there can be no doubt, that more than half of the ordinary wants of the population were supplied within doors. Domestic industry was every where encouraged, and every house was a busy workshop, particularly in female industry. The hum of the spinning-wheel, and the sound of the shuttle, were heard in all our borders, and before the close of the first century, some parts of our country exported shoes and hats to the West Indies, somewhat clandestinely, for fear of the mother country; but their great traffic was in vessels built here, and sold to the colonists of Spain. It was not uncommon to get off in them some of these articles of home manufacture. Our manufacturing interests had a great accession of intelligence and industry in the host of Huguenots who fled to this country, after the revocation of the edict of Nantz, in 1686. Their descendants are among the most respectable of our countrymen at this day. Prosperity, and a new order of manufacturing, was every

was ultimately determined as the place of meeting; and in the autumn of 1814 the commissioners prose-

where found with them. At that period the French were much in advance of the English in the excellence of their goods. Before the close of the first century, foundries were erected in several of our colonies, and a considerable supply of iron was had from them.

The arts are necessary for the advancement of national prosperity. It has been said by some politicians, that the United States should, for centuries to come, keep *her workshops in Europe*. This maxim, perhaps, was well enough to a certain extent, so far as it related to the finest goods, when we were building up a government, and had the carrying-trade of the world, and when the wars in Europe increased the value of our exports, by very high prices paid for all articles of provision; but now the scene is changed, and the balance of trade is against us, and as we have less to buy with, we must trust, in a good measure, to our own resources, and reflect upon what is best for this country in general.

Putting out of the computation the two millions of slaves in our country, we have more than ten millions of free white inhabitants, and most of them live well. The demand for articles of necessity, comfort, and luxury, together with the elegancies of taste, is immense. If these can be had among ourselves easier than by commerce, why should they not be produced?

The arts are necessary for national defence. No country can be safe, happy, great, or glorious, without every means for self-defence within herself. Our seaboard is as yet but partially fortified, and even where strong works have been erected, they are not as yet entirely supplied with cannon, nor can they be for years to come, unless the government quicken its hand in supplying them.

To preserve peace we must be prepared for war. I long for the "*Salutarian rule*" as well as the most ardent member of the peace society can do, but my belief is, that a *golden age* must be preserved by the implements of war—those sharp instruments forged in an iron age. In twenty years, with judicious appropriations, our sea-coast and frontiers will be amply fortified in a substantial and permanent manner. The army is growing up in the best of all possible forms, in the expanded intelligence of the officers, and not in useless numbers of soldiers, that can be raised in a day, and disciplined in a few weeks. Our navy is gradually increasing, and there is no danger that discipline and nautical skill will be retrograde with them. The day has passed, when men can be covered with glory, without being fraught with knowledge, and adorned with virtue. There is no danger of our becoming a martial people, and running into a love of conquest. The danger is on the other hand, that commerce, agriculture, and the peaceful arts, the sciences, and letters, will engross our attention, and leave us too little of martial or naval spirit. It was ordained or suffered by the Almighty, that our nation should grow up through great and protracted struggles. Every step of our national progress, up to our independence, has been of painful exertion, and loss of blood. This country has, in its various portions, and in different ages of its existence, been engaged in more than fifty wars, and fought more than a hundred battles, by land and sea, before the war of the revolution commenced. We have not been a nation of peace from our birth, nor can we exist, if we at once *beat our swords into ploughshares, and our spears into pruning hooks*. In such a state, the Philistines would be upon us. This is the decree of the God of battles, that freedom can be preserved only by brave hearts and muscular arms; and it is equally true, that the most powerful, when enlightened, are the most generous.

The arts are necessary for the strength, the honour, pride, and glory of a nation. The strength of a nation consists of *high-souled men*, but also in *battlement, wall, and tower*; in a word, in their possessions; such wealth as is *real*, and will go down to posterity improved and increased. Save the soil on which we live, most of our wealth and strength has been the growth of about half a century.

The fact is, that every attempt made by England to retard the progress of the arts in this country, has, in the end, been one of the sources of their advancement.

The first attack upon the arts and commerce of this country, was the famous Navigation Act, passed in 1651, two years after the death of Charles I., by the parliament of the commonwealth, and

cutted their labours, but at first with very doubtful success. By the 24th of December, a treaty was

confirmed and enlarged by Charles II., in 1660. By this act the whole commerce of the colonies would have been nearly destroyed, if it had been regarded, but it was evaded in many ways.

In 1761, the British government began to draw closer the cords of commercial restrictions. In 1765, the sugar act was passed. And the same year the *stamp act*. The effect of this throughout the colonies was electrical. The irritation continued until the war broke out.

The effects of the non-importation agreement gave great impulse to domestic manufactures. The class which graduated at Harvard College in 1770, appeared in clothes of domestic manufacture. An impulse was given to spinning and weaving, in all parts of the country; but it was hard to cut off the people from the use of British goods at once. The manufacturing of leather had, from the early settlement, been considerably attended to by the colonists.

The arts, at the commencement of the struggle, were in a low state. There was but a small supply of powder, and only four cannon, to begin the fight with. There was a scarcity of mechanics; but many of the mechanics from the enemy deserted to us after the defeat of the Hessians at Trenton.

The effects of the peace of 1783 were a sad blow to the arts for many years. The manufactures of England were poured in upon us, and the importer could undersell the artist. The prosperity of the carrying trade, from the peace of 1783 until 1806, enriched the United States beyond calculation. The decline of commerce, after 1806, brought on some attention to the arts, but their progress was slow.

The war of 1812 had a beneficial effect on the arts; it transplanted the work-shops from England to the United States. Now we can be said to be independent; before we were not. The attention to our manufacturing interests will in the end benefit the merchant, the farmer, and the whole mass of society, in a *pecuniary* point of view. *Lyceums* have been established; lectures given; knowledge generally diffused, and political economy studied.

There is no danger of the number of mechanics increasing too rapidly in this country, for their proportion has not yet reached but a small part of the maximum that the nation will bear. In England, one hundred agricultural families will support sixty-six other families. These are calculated in the following manner: 1 priest, 2 lawyers, 4 medical men, 4 schoolmasters, 6 tailors, 8 carpenters, 5 smiths, 3 braziers, 2 cabinet-makers, 14 manufacturers, 10 traders, or clerks, or accountants. Now we do not average any thing like this, while Great Britain nearly doubles it, in some portions of the calculation. Her land is better cultivated than ours, but we are not limited or confined.

Some mechanics are apprehensive of labour-saving machines; but we have no just reason to fear any thing from this quarter yet. In the year 1776, Hargrave, in England, invented the first spinning-jenny, an invention which has saved countless millions to the kingdom, and I believe the wages of the workers in cotton is as great, in proportion to articles of living, as they were before this invention. In England, it is calculated that there are 15,000 steam-engines at work, which will average twenty-five horse power; but we can never want but a small portion of this number, as our country abounds with the best of all power—the water-power, which was but little known when our ancestors came to this country.

Among the mechanics of a former age, many distinguished men have arisen to adorn every walk of life. They have passed from the work-shop to the battle field, and from thence to the hall of legislation, and to the bench of justice. It was not alone the mental culture of these men that made them great; it was their moral education that gave them the high stand they took in society. They were educated in the doctrines of strict obedience, and were not indulged in any romantic ideas of self-government; but were content with their time of service that the wisdom of the law had directed. This was one cause of their superiority; they waited patiently to become free, and masters of themselves; and when they had reached the proper age, they were equal to their business, and set up with the confidence of their fellow-citizens. These men had acquired habits of industry and firmness of purpose, and start-

agreed upon and signed by the plenipotentiaries of the respective powers at Ghent; and in February of

ed in life with a moral weight of character. Society opened its arms to receive them, and they came fairly into the ranks of men, having been thoroughly initiated into the art, craft, and mystery they professed, as far as it was taught in their day. They had received parental, as well as professional education. They were directed by men whose hearts were right, who laboured for their children, that they might be good, leaving it to Providence to direct them in future life. Honesty and integrity are the basis of every character, and this their fathers knew.

"Though they, each tome of human lore unknown,
The brilliant path of science never trod,
The sacred volume claim'd their hearts alone,
Which taught the way to glory and to God.

"Here they from Truth's eternal fountain drew
The pure and gladdening water day by day;
Learnt, since our days are evil, fleet, and few
To walk in Wisdom's bright and peaceful way."

When the moral character is found to be correct and substantial, every particle of intelligence tells. The great man, who conducted our revolution as chief in arms, owed his success to the weight of his moral character, more than to his genius and military skill, however great they might have been. Honesty and integrity is credit every where, and in all stations. Themistocles was a greater man than Aristides; but the advice of the latter was followed, when he agreed that what Themistocles counselled would be beneficial to his country, but would at the same time take from the honesty and good faith of the nation.

It is my sincere belief, that the artists, mechanics, and manufacturers, at the present day, are as elevated in the scale of morals, as the agriculturists and the professional men of the country. The fear of corruption was the foundation of the opinion of our statesmen, that our work-shops should be long kept in Europe. Those who have introduced them here, were willing to be responsible for the result, and time has proved that they knew what they were doing. Some of the best schools in our country are connected with the manufacturing interests. The great proportion of those children connected with the establishments at Lowell, Chelmsford, and other places, are better educated than the great mass of the yeomanry throughout our country. I speak from an acquaintance with the fact.

The education of all classes should be watched with a hundred eyes; the philanthropist of the present age should never forget, that no plans of benefiting mankind are worth a single thought, unless they are connected with education. Not that education which gives a smattering of all things to every one, but that which teaches every one to think wisely and to act well. We are privileged in this respect above all other nations who have preceded us, for they began the arts when mental and moral cultivation were low; we came to regard them when we had considered and reasoned upon other matters of vital importance. We had agreed on forms of governments, adopted constitutions, erected tribunals of justice, and passed wise laws for the protection of property, and life, and public peace, and security, before the arts began to be cherished to any considerable extent. But we should not be satisfied by thinking that we began right; we must keep constantly in the right, to do justice to ourselves as a nation. There is no difficulty in this; it is only to see that every successive age has the proper degree of education offered them; not only offered, but attended to. But few can become learned by the simple love of intelligence. The recompense of reward must be set before the eyes of the young, to stimulate them to exertion. We must not only tell them that knowledge is power, but demonstrate it.

We often reason erroneously upon nations, and the happiness they enjoy; we draw upon our imaginations instead of our judgments. We consider an age of successful war as one of happiness, as well as of glory. Nothing is more common than to hear lamentations over Greece. The days of her worthies are called

the following year it received the ratification of the president.*

While the people of the United States were rejoicing at the return of peace, their attention was called to a new scene of war. By a message from the president to the house of representatives, with a

report of the secretary of state, it appeared that the dey of Algiers had violently, and without just cause, obliged the consul of the United States, and all the American citizens in Algiers, to leave that place, in violation of the treaty then subsisting between the two nations; that he had exacted from the consul,

back; her great men conjured up; the political wisdom of Solon, the military prowess of Miltiades, and the eloquence of Demosthenes, are set before us. Here Sappho sung, and Lais danced. Here Ilissus flowed on and fell in lovely cascades,* and Hymettus was covered with flowers and honey; then the Muses haunted every grove, and the reign of Apollo was unquestioned. In all this we forget that Athens was cursed with slaves; that at times she had 200,000 slaves to 30,000 freemen; and that, like some of our southern states, the freemen lived in constant dread of them. Sparta also, with all her freedom, had her Helots, a race she was obliged to keep from increasing too fast, by repeated assassinations. The young reader revels in the descriptions of ancient Greece, and thinks that nothing can ever be made of her now. It is perhaps cruel to dissolve a charm so refreshing to the classical mind, but it is our duty to look at these things with the eye of reason. Athens is now without slaves. All her citizens are free; she has sent to this country some of her learned men, to learn the nature of our improvements, and they are engaged in their duties; they will carry back numerous models from our patent office and our manufacturing towns. They will build mills on the sacred streams; perforate Pindus and Hymettus for ores, and becoming a manufacturing, commercial, and naval people, will resume a new station; if not one of as much glory, yet one of more true happiness. Former ages have been called after the metals in use among mankind—an age of gold, of silver, of brass, or iron. Political economists have discarded these terms, leaving them to the poet only, and have assumed new names, such as an age of *invention*, of *industry*, of *productiveness*, all centering in *utility*. It is true, the natural world does not now furnish the hero with monsters to overcome, or prodigies to describe, such as the age of chivalry produced, yet there is still enough of things unknown to demand the utmost exertions of the human mind. Genius and taste may be occupied, if the days of romance are past.

The useful arts, in their regular course, cherish the fine arts. The great quantities of paper manufactured in this country facilitates the multiplication of books. Competition among publishers leads to good editions, ornamented with engravings. Twenty-five years ago, when Delaplaine began his Repository, there was hardly an engraver in this country, and now there are hundreds fully employed. As the engraver finds employment, the painter sees his art becoming more in fashion. And the sculptor has now some chance of fame with the painters and engravers. From the consumption of the single article of paper in the United States, the folly of keeping our work-shops in Europe may be seen. There is not enough of the precious metals in our banks, from Louisiana to Maine, to purchase paper sufficient to supply the market for three years. Many other articles would illustrate our position, that we must be a manufacturing people to be a prosperous people.

The use of the article of iron is great almost beyond calculation. Two hundred and ten thousand tons of iron are used in this country every year, about one half of which we make ourselves, and ours is the best that can be found. In the article of shoes, forty millions of pairs of shoes and boots are made in a year, for home consumption, and for foreign markets. For harnesses and saddles, also, a large amount of capital is paid yearly; and a great portion of these was formerly imported. Does not every ridge, every plain, in fact, every tree and every blade of grass, feel the influence of the domestic industry? Every village throughout the manufacturing districts, feels the effects of this labour; and do not the seaports flourish as much, or more, than they did when we had to depend entirely on England and on France for all our manufactures? Every thing done for the manufacturing interests assists every other class in the community. The greater consumption of domestic goods, the better price the farmer will get for his produce.

There is a common chain that binds all interests together in this country, when a sound judgment is exercised in our national councils. The harmony of the whole is the safety of the whole. This must teach us how wise it is to select the best and most discerning men for rulers, and not to trust our dearest interests to those who wish to ride into power on their talents as demagogues or sycophants.

We think that we are now living in peace. The echo of the last groan of the Indian has passed over his smouldering wigwam, and the children of Black Hawk are no more. The border-trooper has cleft them down, and thrown the fire-brand into their dwellings. This no doubt was policy, but the philanthropist weeps at the necessity of it.

We think that having achieved our independence by a long and painful struggle, and having a second time tried our strength with England, that we are, and shall long remain, in peace with her. If, in the mind of the warrior, all is peace, because the sword is not red with blood; if all is peace, because no vessel of war is proudly carrying her thunders along our coast, to destroy our commerce, and no din of martial preparation is heard; the political economist and thinking statesman sees that England, as a giant with a hundred hands and as many eyes, is waging an honest war upon our industry, invention, and prosperity. She has a right to take care of her own industry, by every fair policy. This is a war which we must see and feel may be wasting to us; but the sword can not, by international law, and should not, by any excitement, leap from its scabbard, to decide the rivalry of mind and industry. We must meet policy by policy, until we find the effect of our unity, strength, and wisdom. Such a contest will be a preservative of peace between the two nations, and a lasting blessing to the world.—*American Editor*.

* By the first article of this treaty it was agreed, that there shall be a firm and universal peace between his Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons; and that all hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties. By the third article, all prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty. By the fourth article, the decision of the conflicting claims of the United States and of Great Britain to several islands in the bay of Passamaquoddy, was referred to two commissioners, one to be appointed by his Britannic Majesty, and one by the president of the United States, with the advice and consent of the senate; and it was agreed, in the event of the two commissioners differing upon all or any of the matters referred to them, or of their not acting, they shall make report or reports to their respective governments, which report or reports they agreed to refer to some friendly sovereign or state, to be then named for that purpose, and engaged to consider such decision to be final and conclusive. By the ninth article, the United States engaged to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians, with whom they may be at war at the time of such ratification, provided they shall agree to desist from all hostilities against the United States; and his Britannic Majesty, on his part, entered into a correspondent engagement on the like condition of their desisting from all hostilities against him and his subjects. The tenth article has respect to the abolition of the slave trade: "Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object."

under pain of immediate imprisonment, a large sum of money, to which he had no just claim; and that these acts of violence and outrage had been followed by the capture of at least one American vessel, and by the seizure of an American citizen on board of a neutral vessel; that the captured persons were yet held in captivity, with the exception of two of them, who had been ransomed; that every effort to obtain the release of the others had proved abortive; and that there was some reason to believe they were held by the dey as means by which he calculated to extort from the United States a degrading treaty. The president observed, that the considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States, were now terminated by the peace with Great Britain, which opened the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers; and recommended to congress the consideration of an act declaring the existence of a state of war between the United States and the dey of Algiers, and of such provisions as might be requisite for the prosecution of it to a successful issue. A committee of congress, to whom was referred a bill "for the protection of the commerce of the United States against the Algerine cruisers," after a statement of facts, concluded their report by expressing their united opinion, "that the dey of Algiers considers his treaty with the United States as at an end, and is waging war with them;" and in March war was declared against the Algerines.

An expedition was immediately ordered to the Mediterranean, under the command of Commodore Bainbridge. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean, in seeking the naval force of the enemy, then cruising in that sea, and succeeded in capturing two of his ships, one of them commanded by the Algerine admiral. The American commander, after this demonstration of skill and prowess, hastened to the port of Algiers, where he readily obtained peace, in the stipulated terms of which the rights and honour of the United States were particularly consulted, by a perpetual relinquishment, on the part of the dey, of all pretensions to tribute from them. The impressions thus made, strengthened by subsequent transactions with the regencies of Tunis and Tripoli, by the appearance of the larger force which followed under Commodore Bainbridge, and by the judicious precautionary arrangements left by him in that quarter, afforded a reasonable prospect of future security for the valuable

portion of American commerce which passes within reach of the Barbary cruisers.*

President Madison, in his message to the congress of 1816, having adverted to the peace of Europe and to that of the United States with Great Britain, said, he had the "satisfaction to state, generally, that they remained in amity with foreign powers." He proceeded to say, that the posture of affairs with Algiers at that moment was not known; but that the dey had found a pretext for complaining of a violation of the last treaty, and presenting as the alternative, war or a renewal of the former treaty, which stipulated, among other things, an annual tribute. "The answer," says the president, "with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute, and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean. With the other Barbary states our affairs have undergone no change. With reference to the aborigines of our own country," he continues, "the Indian tribes within our limits appear also disposed to remain in peace. From several of them purchases of lands have been made, particularly favourable to the wishes and security of our frontier settlements as well as to the general interests of the nation. In some instances, the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people, by means involving or threatening an effusion of blood. I am happy to add, that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favour the resumption of the work of civilization, which had made an encouraging progress among some tribes; and that the facility is increasing for extending that divided and individual ownership, which exists now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of a savage to the arts and comforts of social life."

The doubtful state of the relations between the United States and the dey of Algiers, to which the president alluded in his message, arose either from a

* Message of the president to congress, December 3, 1815.

strong impulse of the love of extortion in the dey, or from the influence of some foreign personages ;* the rising differences were, however, settled by the prudent management of the American consul, Mr. Shaler, and peace has not since been broken on the part of the Algerines.

Among the incidents of domestic interest which indicate the rapid growth and increasing prosperity of the republic, we may notice the formation of the territory of Indiana into a state, and its admission into the union ; the progress of canals in various states ; the institution of a national bank ; and the arrival of many thousand emigrants, chiefly from Great Britain.† Treaties were, during this year, negotiated with the Choctaw, Chickasaw, and Cherokee Indians, ceding large portions of their respective territories to the United States, and acknowledging their tribes to be under the protection of the republic.

CHAPTER VI.

ADMINISTRATIONS OF JAMES MONROE, JOHN QUINCY ADAMS, AND PART OF THAT OF ANDREW JACKSON.

THE events of the existing generation can never be considered fully ripe for the historian ; we have therefore been concise in our narrative of recent transactions. The closing chapter of this narrative, although comprising a period of eighteen years, will exhibit still more strikingly a happy brevity, through the absence of events which constitute the chief materials of history ; and our earnest hope is, that every succeeding decade will possess an equally diminished claim on the historic pen—an indication that an interchange of benevolent acts constitutes an increasing proportion of national proceedings, giving little to record, but much to enjoy. Ambition and the love of glory, the brilliant but delusive offspring of disordered minds, may excite to deeds which engage the admiration of the unreflecting mass of mankind ; but they are deeds which, while they gratify the pride of a few, blast the happiness of multitudes ; and, like family feuds, spread their baneful influence through distant generations. Under the heated and deadly glare of military glory, the arts and sciences which contribute to the enjoyment of life wither, and give place to the luxurious growth of rancorous weeds, whose blossoms are decked, indeed, with gorgeous

colours, but whose fruit is the dust of bitterness and despair.

A circumstance peculiar to the constitution of the United States, also tends to abridge our present labours ;—the history of the United States during the remainder of the period we propose to include relating chiefly to measures of internal improvement, which are, for the most part, conducted by the respective states, and not by the general government, the arrangements of the work necessarily transfer our notice of these transactions to a subsequent section, which will treat of them in connexion with the statistics and topography of the states in which they have occurred.

The term of Mr. Madison's administration having expired in the year 1817, James Monroe was inaugurated president, and Daniel D. Tompkins vice-president. On his inauguration, Mr. Monroe delivered the following address to both houses of congress :—

"I should be destitute of feeling, if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office, whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all that they could to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties ; with the proper discharge of which, the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink ; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candour and indulgence which I have experienced in other stations.

"In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

"From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-

* North American Review, vol. xxii. p. 422.

† This year, 1192 American and foreign vessels arrived at New York, bringing to that port alone 7122 passengers.

eight. Through this whole term the government has been what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

"Under this constitution, our commerce has been wisely regulated with foreign nations, and between the states; new states have been admitted into our union; our territory has been enlarged, by fair and honourable treaty, and with great advantage to the original states; the states respectively, protected by the national government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws, well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit? On whom has oppression fallen in any quarter of our union? Who has been deprived of any right of person or property? Who restrained in offering his vows in the mode in which he prefers, to the Divine Author of his being? It is well known, that all these blessings have been enjoyed in their fullest extent; and I add with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

"Some, who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency, as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favour. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate, by a fair and honourable conduct, the friendship of all. War became, at length, inevitable, and the result has shown, that our government is equal to that, the greatest of trials, under the most unfavour-

able circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

"Such, then, is the happy government under which we live: a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognised by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

"Other considerations of the highest importance admonish us to cherish our union, and cling to the government which supports it. Fortunate as we are in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the source of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving, even in years the least favourable, a surplus for the wants of our fellow men in other countries. Such is our peculiar felicity, that there is not a part of our union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the north, engaged in navigation, find great encouragement in being made the favoured carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market by local wants, in less favoured parts at home.

"Such, then, being the highly favoured condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

"In explaining my sentiments on this subject, it

may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain, and pass with glory through the late war? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositories of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While then the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives of every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavour to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

"Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may, in that event, be the object of the adverse party to overset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights or lose our character, and with it perhaps our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honour is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought therefore to be cherished.

"To secure us against these dangers, our coast and inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence, as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property, and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe; and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially both as an auxiliary of defence, and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honourable termination.

"But it always ought to be held prominently in view, that the safety of these states, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made, too formidable to be resisted by any land and naval force, which it would comport either with the principles of our government, or the circumstances of the United States, to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained, as to be prepared for any emergency. The arrangement should be such, as to put at the command of the government the ardent patriotism and youthful vigour of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed too in time of peace, to be better prepared for war. With such an organization of

such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

"Other interests of high importance will claim attention, among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens ; much to the ornament of the country ; and, what is of a greater importance, we shall shorten distances, and by making each part more accessible to, and dependent on the other, we shall bind the union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the United States ; a territory so vast, and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

"Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on the supplies from other countries. While we are thus dependent, the sudden event of war unsought and unexpected, can not fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

"With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

"The great amount of our revenue, and the flourishing state of the treasury, are a full proof of the competency of the national resources for any emergency, as they are, of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands,

the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind ; it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

"The executive is charged officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guard over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive to enable it to bring the public agents, intrusted with the public money, strictly and promptly to account. Nothing should be presumed against them ; but if, with the requisite faculties, the public money is suffered to lie, long and uselessly, in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation, and want of tone in the administration, which will be felt by the whole community. I shall do all that I can, to secure economy and fidelity in this important branch of the administration, and I doubt not, that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

"It is particularly gratifying to me, to enter on the discharge of these duties, at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it so far as depends on the executive, on just principles with all nations, claiming nothing unreasonable of any, and rendering to each what is its due.

"Equally gratifying is it, to witness the increased harmony of opinion which pervades our union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and faithful regard to every interest connected with it. To promote this harmony, in accord

with the principles of our republican government, and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our union, will be the object of my constant and zealous exertions.

"Never did a government commence under auspices so favourable, nor ever was success so complete. If we look to the history of other nations, ancient and modern, we find no example of a growth so rapid, so gigantic; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our government has approached to perfection; that in respect to it, we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and, that is to be done, by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, by the favour of a gracious Providence, to attain the high destiny which seems to await us.

"In the administration of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented, which will always be found highly instructive, and useful to their successors. From these I shall endeavour to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country, the best reward of exalted talents, and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty, that He will be graciously pleased to continue to us that protection, which He has already so conspicuously displayed in our favour."

During this year the republic received another accession by the erection of the territory of Mississippi into a state, and its admission into the union. By the act of admission it is provided, that the public lands, while belonging to the United States, and for five years from the day of sale, shall be exempted from all taxes; that lands belonging to the citizens of the United States residing without the state, shall

never be taxed higher than lands belonging to persons residing within the state; and that the river Mississippi, and the navigable rivers and waters leading into it, or into the gulf of Mexico, shall be common highways, and for ever free of toll or duty to all the citizens of the United States. In return for this concession, congress provided, that, after paying a debt to Georgia and indemnifying certain claimants, five per cent. of the net proceeds of the public lands, lying within the state, shall be devoted to the making of roads and canals for the benefit of the state.

In the summer of this year an expedition was undertaken against East Florida by persons claiming to act under the authority of some of the revolted Spanish colonies. The leader of this expedition styled himself "Citizen Gregor M'Gregor, brigadier-general of the armies of the united provinces of New Grenada and Venezuela, and general in chief, employed to liberate the provinces of both the Floridas, commissioned by the supreme governments of Mexico and South America." The persons that combined for this purpose took possession of Amelia Island, at the mouth of St. Mary's River, near the boundary of the state of Georgia. The president, apprised of this transaction, ordered an expedition, consisting of naval and land forces, to repel the invaders, and to occupy the island. A squadron, under the command of J. D. Henley, with troops under the command of James Banhead, arrived off Amelia Island on the 22d of December, and the next day took possession of it, hoisting the American flag at Fernandina. The president, in a message to congress relative to the capture, observed, "In expelling these adventurers from these posts, it was not intended to make any conquest from Spain, or to injure, in any degree, the cause of the colonies." The real reason of the measure seems to have been, that the invasion interfered with endeavours which were then making on the part of the United States to obtain the cession of the Floridas from the Spaniards.

In the following year the union received the accession of another state, that of Illinois. At the time of its admission, the government of the United States granted to the state one section or thirty-sixth part of every township for the support of schools, and three per cent. of the net proceeds of the United States lands lying within the state for the encouragement of learning, of which one sixth part must be exclusively bestowed on a college or university. The constitution happily provides, that no more slaves shall be introduced into the state. In 1819 the Alabama territory was admitted as a state into the union; and the Arkansaw territory was, by an act of congress,

erected into a territorial government. In the following year the district of Maine was separated from Massachusetts, formed into a distinct state, and admitted into the union.

During this year the American congress did themselves honour by providing more effectually against carrying on the slave trade. The enactment declared, that if any citizen of the United States, being of the ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever being of the crew or ship's company of any ship or vessel owned by, or navigated for, any citizens of the United States, shall on foreign shore seize any negro or mulatto, not held to service or labour by the laws either of the states or territories of the United States, with intent to make him a slave, or shall decoy or forcibly bring or receive him on board with such intent, he shall be adjudged a pirate, and on conviction shall suffer death.

A treaty for the cession of the Floridas was concluded at Washington, February 22, 1819, between Spain and the United States. In the year 1821 it was reluctantly ratified by the king of Spain, and possession was taken of those provinces according to the terms of the treaty. On the 1st of July, General Jackson, who had been appointed governor of the Floridas, issued a proclamation, declaring "that the government heretofore exercised over the said provinces under the authority of Spain has ceased, and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late government remain in full force, and all civil officers charged with their execution," with certain exceptions and limitations, "are continued in their functions." On the 7th of July, the colonel commandant, Don Jose Gallava, commissioner on the part of his Catholic majesty, made to Major-General Jackson, the commissioner of the United States, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, mentioned in the inventories, declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States. On the same day, Colonel Joseph Cop-

pinger, governor of East Florida, issued a proclamation to the inhabitants, announcing that, on the 10th day of this month, "possession will be given to Colonel Robert Butler, the commissioner legally authorized by the United States." The American authorities were accordingly put in possession of the Floridas.

During this year Missouri was admitted as a state into the union, forming the eleventh state added to the thirteen confederated states which signed the declaration of independence, making the present number of the United States twenty-four. The proposition for the admission of this state, which was brought forward in the session of 1819, produced vehement discussion in the congress, and excited an intense interest throughout the whole union. The inhabitants of Missouri, the territory having been considered as a part of Louisiana, had derived from their connexion with the Spaniards and French the custom, which they deemed equivalent to the right, of possessing slaves; it was proposed, however, in admitting the territory to the privileges of a state, to prevent the increase and to insure the ultimate abolition of slavery, by the insertion of the following clause:—"Provided, that the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes whereof the party shall have been duly convicted; and that all the children born within the said state after the admission thereof into the Union shall be free at the age of twenty-five years." Judging from the previous views and measures of the general government, in similar and analogous cases, it could hardly have been conjectured, that the result of proposing such a limited and qualified restriction would be doubtful. The house of representatives, after a short but animated debate, refused to pass the bill without the restriction; but the senate refused to pass the bill with it; consequently the bill itself was lost, and Missouri still continued under her former territorial government. Such was the rapidity with which the several proceedings passed in the two houses of congress, that it was scarcely known beyond its walls that such a question was agitated, before it was decided. When, however, it came to be generally known what principles had been advanced, what votes had been given, with what ardour and vehemence the advocates of slavery had urged their demands, not merely upon the justice, the reason, and good sense of congress, but upon their interests, their prejudices, and their fears, by how slender a majority a measure had been checked, which, in the estimation of many of the best friends of American liberty, would have been productive of incalculable and interminable mischiefs, it excited a

feeling of universal surprise and alarm. It is instructive to observe that many of the staunch advocates of liberal ideas, who delighted in appropriating to themselves exclusively the name of republicans, suffered their jealousy of the interference of the congress in the internal government of an individual state, to engage them on the side of the perpetuators of slavery. Jefferson, who prided himself in being the devoted friend of liberty, thus expresses himself: "The real question, as seen in the states afflicted with this unfortunate population, is, are our slaves to be presented with freedom and a dagger? For, if congress has the power to regulate the conditions of the inhabitants of the states within the states, it will be but another exercise of that power to declare that all shall be free. Are we then to see again Athenian and Lacedemonian confederacies?—to wage another Peloponnesian war to settle the ascendancy between them? Or is this the tocsin of merely a servile war? That remains to be seen; but not, I hope, by you or me. Surely they will parley awhile, and give us time to get out of the way."* The consequence of this combination of the advocates of the sovereignty of individual states with those who make a traffic of the bodies of their fellow men, was the passing of the bill for the admission of Missouri in the next session of the congress, without the restricting clause; a circumstance which occasioned the deep regret and mortification of most of the inhabitants of the northern states, and excited feelings which it has been feared by many may ultimately lead to a dissolution of the union.†

No circumstances of particular interest in the transactions of the general government occurred till the year 1824, when articles of a convention between the United States of America and Great Britain for the suppression of the African slave trade, were subscribed at London by plenipotentiaries appointed for that purpose. By the first article, the commanders and commissioned officers of each of the two high contracting parties, duly authorized by their respective governments to cruise on the coast of Africa, America, and the West Indies, for the suppression of the slave trade, are empowered, under certain restrictions, to detain, examine, capture, and deliver over for trial and adjudication by some competent tribunal, any ship or vessel concerned in the

illicit traffic of slaves; and carrying the flag of the other.

In the spring of this year a convention was also concluded between the United States of America and the emperor of Russia. By the third article of this convention it was agreed, "that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northern [north-west] coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel."

This year is signalized in American history by the visit of the venerable La Fayette, on the express invitation of congress. He arrived in the harbour of New York on the 13th of August, and proceeded to the residence of the vice-president at Staten Island. A committee of the corporation of the city of New York, and a great number of distinguished citizens, proceeded to Staten Island to welcome him to their capital. A splendid escort of steamboats, decorated with the flags of every nation, and bearing thousands of citizens, brought him to the view of assembled multitudes at New York, who manifested their joy at beholding him, by acclamations, and by tears. At the city hall the officers of the city and many citizens were presented to him; and he was welcomed by an address from the mayor. While he was at New York, deputations from Philadelphia, Baltimore, New Haven, and from many other cities, arrived with invitations for him to visit them. After remaining a few days at New York, he proceeded to Boston, where he met with the same cordial reception. The general soon after returned to New York, visited Albany and the town's on Hudson River, and afterwards passed through the intermediate states to Virginia. He returned to Washington during the session of congress, and remained there several weeks. Congress voted him the sum of two hundred thousand dollars, and a township of land, as a remuneration, in part, of his services during the war of the revolution, and as a testimony of their gratitude.

General Lafayette was present at the imposing ceremony of laying the corner stone of the Bunker Hill Monument, on the 17th of June, 1825, to which

* *Memoirs*, vol. iv. p. 347.

† "The coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred, as to render separation preferable to eternal discord. I have been among the most sanguine in believing

that our union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which has been so confidently counted on; the laws of nature control this; but by the Potomac, Ohio, and Missouri, or, more probably, the Mississippi upwards to our northern boundary."—*Jefferson's Memoirs*, vol. iv. p. 331.

he had been invited by the Association formed for the purpose of erecting a memorial to those which fell in the battle of June 17, 1775.*

* The sun rose clear, on the fiftieth anniversary of Bunker's Hill; and thousands of voices, joined with the cheerful sound of bells and the roar of artillery, saluted him with their patriotic shouts. At seven A. M. passing through this crowd, which was excited by glorious recollections of the 17th of June, 1775, General Lafayette proceeded to the grand lodge of Massachusetts, where deputations from the grand lodges of Maine, New Hampshire, Rhode Island, Connecticut, Vermont, and New Jersey, were assembled, with the officers of the chapter of the Knights Templars, to receive and compliment him.

At ten o'clock, 2,000 Free-masons, sixteen companies of volunteer infantry, a corps of mounted militia, with the different corporations, and the civil and military authorities, proceeded to the state-house, where the procession was formed under the inspection of Gen. Lyman; while the Grand Masters of the Masonic order went for Gen. Lafayette, who had returned to the house of Mr. Lloyd, on leaving the lodge.

At half past ten the procession began to move: it consisted of about 7,000 persons; two hundred officers and soldiers of the revolution marched in front, and forty veterans, glorious relics of the battle of Bunker's Hill, followed them in eight open carriages. They were decorated with a broad ribbon, on which was this inscription:—"17th June, 1775." Some of them had on their shoulders the cartridge-belts they had worn on that memorable day; and one of them, who had been a drummer, still bore the drum with which he had several times rallied the American battalions, when broken by the English columns. Behind them marched a long line of persons formed of the numerous subscribers to the monument, six abreast; and 2,000 Masons, clad in rich ornaments, and bearing the instruments and symbols of their order. Last came Gen. Lafayette, in an elegant carriage, drawn by six beautiful white horses. Next behind him followed a long line of coaches, in which were his son, his secretary, the governor of Massachusetts and his staff; finally, a great number of persons of distinction, natives and strangers. This column proceeded, with the sound of music and ringing of bells, through the midst of 200,000 citizens, who had assembled from all the states of the union; while the general was at intervals saluted by artillery and general acclamations. He arrived at Bunker's Hill at half past twelve, and the whole crowd was soon ranged in regular order on the hill, where the monument was to be erected, to witness the national gratitude expressed to the first heroes of the revolution.

The humble pyramid erected in former times, over the remains of Warren and his companions, which we had seen on our first visit to Bunker's Hill, had disappeared. From the largest piece of wood it contained, a cane had been formed, which was mounted with gold, and bore an inscription referring to its origin, and stating, that it had been presented by the Masons of Charlestown to Gen. Lafayette, who accepted it as a precious relic of the American revolution. A large excavation which had been made at that place, showed that the new monument was to be raised on the same spot.

A few moments after we had taken our places around that excavation, and silence had been obtained throughout the numerous crowd that surrounded, awaiting the ceremony in solemn silence, the Grand Master of the Grand Lodge of Massachusetts, accompanied by the principal dignitaries of the order, Brother Lafayette, Mr. Webster, and the principal architect, proceeded to lay the first stone of the monument, with the forms prescribed by the Masonic order. In an iron chest were placed medals, pieces of money, and a silver plate, on which was engraved the order of ceremonies. This box was placed under the stone, on which the Grand Master poured wheat, oil, and wine; while the Rev. Mr. Allen, the chaplain of the day, pronounced the benediction. The Masonic command to finish the monument was then given, and a salute of artillery announced that this part of the ceremony was accomplished.

The procession then moved to a vast amphitheatre, formed on the northeastern declivity of the hill. At the centre of its base was raised a covered platform, from which the orator of the day was to raise his voice, and address an audience of 15,000 persons, as-

In the year 1825, John Quincy Adams was inaugurated president of the United States, and John C. Calhoun, vice-president. On his inauguration,

sembled in the amphitheatre. All the revolutionary officers and soldiers, several of whom had come from great distances to witness this solemnity, were seated opposite the stage, the survivors of Bunker's Hill forming a little group in their front. At the head of that party was placed, in a large chair, the only surviving general of the revolution, Lafayette. Immediately behind were 2,000 ladies, brilliantly dressed, who seemed to form a guard of honour for those venerable old men, and to protect them from the tumultuous throng of the crowd. Beyond the ladies, more than 10,000 persons were seated on the numerous benches which were placed on the side of the hill, the top of which was crowned by upwards of 30,000 spectators, who, although beyond the reach of the orator's voice, stood motionless, and in the most profound silence. After the agitation which necessarily accompanies the movements of so large a crowd, had been tranquillized, the melodious sound of a large choir of singers was heard, who were concealed behind the stage, and raised a patriotic and religious song, the deep melody of which agreeably prepared the minds of all for the impressions of eloquence. This music was succeeded by a prayer from Dr. Thaxter; and when the venerable pastor, who had had the honour of fighting at Bunker's Hill, presented himself before the assembly, with his white locks falling in long silver curls on his shoulders; when he raised towards heaven his hands enfeebled by age, and with a voice still strong, implored the benedictions of the Almighty on the proceedings of that day, the whole audience seemed penetrated with inexpressible emotions. At length the orator of the day, Mr. Webster, presented himself in his turn; his tall stature, his athletic form, the noble expression of his countenance, and the fire of his eye, perfectly harmonized with the solemnity of the scene. Mr. Webster, who had been for a long time rendered popular by the charms of his eloquence, was welcomed by the assembly with every expression of pleasure. The murmur of satisfaction with which he was saluted, ascended from the base of the hill to the summit, and prevented him for a few instants from beginning his discourse.

During his discourse, the orator was sometimes interrupted by bursts of applause from the audience, who could not repress the expression of their sympathetic feelings, when Mr. Webster addressed the revolutionary veterans, and Gen. Lafayette; and while they, uncovering their venerable heads, arose to receive the thanks which were offered them in the name of the people. A hymn, sung in choir by the whole assembly, succeeded this speech, and terminated the second part of the ceremony.

At the signal given by a field piece, the procession formed anew, mounted the hill, and went to seat themselves at a banquet prepared on the summit. There, under an immense wooden covering, 4,000 persons took their places without confusion. The tables were spread with so much art, that the voice of the president, and all those who offered toasts, or made speeches, were easily heard, not only by the company, but also by a great number of spectators stationed without. The names of Warren, the orator of the day, and the guest of the nation, were proposed by turns during the repast. Before leaving the table, the general rose to return thanks to the members of the monument association, and expressed himself in these terms:

"I will now ask your attention, only to thank you in the name of my revolutionary companions in arms, as well as in my own name, gentlemen, for the testimonies of esteem and affection, I may say filial affection, with which we have been this day loaded. We offer you our best wishes for the preservation of republican liberty and equality, self-government, and happy union between the states of the confederation: objects for which we fought and bled,—for it is on them that the hopes of mankind now rest. Permit me to give you the following toast: 'Bunker's Hill, and the Holy Resistance to oppression, which has freed the American hemisphere;—the anniversary toast at the jubilee of the next half century shall be:—Europe Disenthralled.' This toast was received with transport; and immediately after the company returned to the city.—*Levasseur's Journal*.

Mr. Adams delivered the following address to both houses of congress :

"In compliance with a usage, coeval with the existence of our federal constitution, and sanctioned by the example of my predecessors, in the career upon which I am about to enter, I appear, my fellow-citizens, in your presence, and in that of heaven, to bind myself by the solemnity of religious obligation, to the faithful performance of the duties allotted to me in the station to which I have been called.

"In unfolding to my countrymen the principles by which I shall be governed, in the fulfilment of those duties, my first resort will be to that constitution, which I shall swear, to the best of my ability, to preserve, protect, and defend. That revered instrument enumerates the powers and prescribes the duties of the executive magistrate; and, in its first words, declares the purposes to which these, and the whole action of the government, instituted by it, should be invariably and sacredly devoted: to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of this union, in their successive generations. Since the adoption of this social compact, one of these generations has passed away. It is the work of our forefathers. Administered by some of its most eminent men, who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war, incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country so dear to us all; it has, to an extent far beyond the ordinary lot of humanity, secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us, and by the blessings which we have enjoyed, as the fruits of their labours, to transmit the same, unimpaired, to the succeeding generation.

"In the compass of thirty-six years since this great national covenant was instituted, a body of laws, enacted under its authority, and in conformity with its provisions, has unfolded its powers, and carried into practical operation its effective energies. Subordinate departments have distributed the executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the union, by land and sea. A co-ordinate department of the judiciary has expounded the con-

stitution and the laws; settling, in harmonious coincidence with the legislative will, numerous weighty questions of construction, which the imperfection of human language had rendered unavoidable. The year of jubilee, since the first formation of our union, has just elapsed; that of the declaration of our independence, is at hand. The consummation of both was effected by this constitution.

"Since that period, a population of four millions has multiplied to twelve; a territory bounded by the Mississippi, has been extended from sea to sea; new states have been admitted to the union, in numbers equal to those of the first confederation; treaties of peace, amity, and commerce, have been concluded with the principal dominions of the earth; the people of other nations, inhabitants of regions acquired, not by conquest, but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings; the forest has fallen by the axe of our woodsmen; the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean; the dominion of every man over physical nature has been extended by the invention of our artists; liberty and law have marched hand in hand; all the purposes of human association have been accomplished as effectively as under any other government on the globe; and at a cost little exceeding, in a whole generation, the expenditure of other nations in a single year.

"Such is the unexaggerated picture of our condition, under a constitution founded upon the republican principle of equal rights. To admit that this picture has its shades, is but to say, that it is still the condition of men upon earth. From evil, physical, moral and political, it is not our claim to be exempt. We have suffered, sometimes by the visitation of heaven, through disease; often, by the wrongs and injustice of other nations, even to the extremities of war; and lastly, by dissensions among ourselves—dissensions, perhaps, inseparable from the enjoyment of freedom, but which have, more than once, appeared to threaten the dissolution of the union, and, with it, the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various; founded upon differences of speculation in the theory of republican government; upon conflicting views of policy, in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions which strangers to each other are ever apt to entertain.

"It is a source of gratification and of encouragement to me, to observe that the great result of this

experiment, upon the theory of human rights, has, at the close of that generation by which it was formed, been crowned with success, equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defence, the general welfare, and the blessings of liberty, all have been promoted by the government under which we have lived. Standing at this point of time; looking back to that generation which has gone by, and forward to that which is advancing, we may, at once, indulge in grateful exultation, and in cheering hope. From the experience of the past, we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit, that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices, to the formation and administration of this government; and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the government of the United States first went into operation under this constitution, excited a collision of sentiments and of sympathies which kindled all the passions, and embittered the conflict of parties, till the nation was involved in war, and the union was shaken to its centre.

"This time of trial embraced a period of five and twenty years, during which, the policy of the union in its relations with Europe, constituted the principal basis of our political divisions, and the most arduous part of the action of our federal government. With the catastrophe in which the wars of the French revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time, no difference of principle, connected either with the theory of government, or with our intercourse with foreign nations, has existed or been called forth, in force sufficient to sustain a continued combination of parties, or to give more than wholesome animation to the public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source, and the happiness of the people the end, of all legitimate government upon earth—that the best security for the beneficence and the best guarantee against the abuse of power, consists in the freedom, the purity, and the frequency of popular elections—that the general government of the union, and the separate governments of the states, are all sovereignties of limited powers; fellow-servants of the same masters; uncontrolled within their respective spheres; uncontrollable but by

encroachments upon each other—that the firmest security of peace is the preparation, during peace, of the defences of war—that a rigorous economy and accountability of public expenditures, should guard against the aggravation, and alleviate, when possible, the burden of taxation—that the military should be kept in strict subordination to the civil power—that the freedom of the press and of religious opinion should be inviolate—that the policy of our country is peace, and the ark of our salvation, union, are articles of faith upon which we are all now agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled. If there have been projects of partial confederacies to be erected on the ruins of the union, they have been scattered to the winds: if there have been dangerous attachments to one foreign nation and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation, who have heretofore followed the standards of political party. It is that of discarding every remnant of rancour against each other; of embracing, as countrymen and friends, and of yielding to talents and virtue alone, that confidence which, in times of contention for principle, was bestowed only upon those who wore the badge of party communion.

"The collisions of party spirit, which originated in speculative opinions, or in different views of administrative policy, are, in their nature, transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life, are more permanent, and therefore perhaps more dangerous. It is this which gives inestimable value to the character of our government, at once federal and national. It holds out to us a perpetual admonition to preserve alike, and with equal anxiety, the rights of each individual state in its own government, and the rights of the whole nation in that of the union. Whatsoever is of domestic concernment, unconnected with the other members of the union, or with foreign lands, belongs exclusively to the administration of the state governments. Whatsoever directly involves the rights and interests of the federative fraternity, or of foreign powers, is of the resort of this general government. The duties of both are obvious

in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the state governments, is the inviolable duty of that of the union; the government of every state will feel its own obligation to respect and preserve the rights of the whole. The prejudices, every where too commonly entertained against distant strangers, are worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils, annually assembled from all quarters of the union at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents, and do justice to the virtues of each other. The harmony of the nation is promoted, and the whole union is knit together, by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship, formed between the representatives of its several parts, in the performance of their service at this metropolis.

"Passing from this general review of the purpose and injunctions of the federal constitution and their results, as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the administration of my immediate predecessor, as the second. It has passed away in a period of profound peace; how much to the satisfaction of our country, and to the honour of our country's name, is known to you all. The great features of its policy, in general concurrence with the will of the legislature, have been—to cherish peace, while preparing for defensive war; to yield exact justice to other nations, and maintain the rights of our own; to cherish the principles of freedom and of equal rights, wherever they were proclaimed; to discharge, with all possible promptitude, the national debt; to reduce, within the narrowest limits of efficiency, the military force; to improve the organization and discipline of the army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes; and to proceed in the great system of internal improvements, within the limits of the constitutional power of the union. Under the pledge of these promises, made by that eminent citizen, at the time of his first induction into this office, in his career of eight years, the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the revolution; the regular armed force has been reduced, and its constitution revised

and perfected; the accountability for the expenditure of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific ocean; the independence of the southern nations of this hemisphere has been recognised and recommended by example and by counsel, to the potentates of Europe; progress has been made in the defence of the country, by fortifications, and the increase of the navy towards the effectual suppression of the African traffic in slaves; in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind; in exploring the interior regions of the union: and in preparing, by scientific researches and surveys, for the further application of our national resources to the internal improvement of our country.

"In this brief outline of the promise and performance of my immediate predecessor, the line of duty, for his successor, is clearly delineated. To pursue, to their consummation, those purposes of improvement in our common condition, instituted or recommended by him, will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity, who are, in future ages, to people this continent, will derive their most fervent gratitude to the founders of the union; that, in which the beneficent action of its government will be most deeply felt and acknowledged. The magnificence and splendour of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years, after all her conquests have been swallowed up in despotism, or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of congress for legislation upon objects of this nature. The most respectful deference is due to doubts originating in pure patriotism, and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated liberal and candid discussions in the legislature have conciliated the sentiments, and proximated the opinions of enlightened minds, upon the question of constitutional power. I cannot but hope, that by the same process of friendly, patient, and persevering deliberation, all constitutional objections will ulti-

mately be removed. The extent and limitation of the powers of the general government, in relation to this transcendently important interest, will be settled and acknowledged, to the common satisfaction of all, and every speculative scruple will be solved by a practical public blessing.

"Fellow-citizens, you are acquainted with the peculiar circumstances of the recent election, which have resulted in affording me the opportunity of addressing you, at this time. You have heard the exposition of the principles which will direct me in the fulfilment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence in advance, than any of my predecessors, I am deeply conscious of the prospect that I shall stand, more and oftener, in need of your indulgence. Intentions, upright and pure; a heart devoted to the welfare of our country, and the unceasing application of all the faculties allotted to me, to her service, are all the pledges that I can give, for the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils; to the assistance of the executive and subordinate departments; to the friendly co-operation of the respective state governments; to the candid and liberal support of the people, so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service: and knowing, that, except the Lord keep the city, the watchman waketh but in vain; with fervent supplications for his favour, to his overruling Providence I commit, with humble but fearless confidence, my own fate, and the future destinies of my country."

In August, 1826, Lafayette repaired to Washington, to take leave of the president, and his last look of the land through which he had passed as a laurelled victor, receiving the homage of nations. His was the homage of the heart; the offerings he received was the gratitude of an enlightened people. "The last three weeks which he spent in the United States, was exceedingly well appropriated; and, no doubt, after much reflection, by him—for he is a man not more remarkable for the purity of his motives, than an observance of every right rule of conduct, a deviation from which might lead to a suspicion of any of them. This induced him, after witnessing the magnificent ceremony at Boston, on the anniversary of the battle of Bunker's Hill, leisurely to return to the city of Washington, (visiting many of his personal friends in the way, and reviewing the battle field at Brandywine,) that his last moments might be given up to a brief residence in what must be metaphorically regarded as the *heart of the nation*, being the seat of

its government, where the chief agents of millions of their fellow-citizens are gathered together, to execute the laws, and distribute that moral force, for the preservation of harmony, which rightfully belongs to institutions based upon the self competency of a free people for the self-management of their own affairs; and it was here that Lafayette mentally looked over the whole republic—the twenty-four sovereignties which he had visited—and, with feelings which no honest man will envy, but such as every honourable one would desire to possess for himself, reflected on what he had seen, and indulged the fond hopes of what this nation, of which he was a distinguished builder, would attain, before the expiration of that period of time usually allotted to men now living; and his tender heart must have seemed to melt within him, at the remembrance of the scenes through which he had passed in the dark days of the revolution, contrasted with the triumphs of his journey through the 'land of the free.' Not the triumphs of the conqueror, before whom the enslaved bow to the dust, and by their own debasement endeavour to win the favour of the oppressor; but growing out of the best affections of the human mind, for kindnesses rendered, when a weak people most needed them, that they might become strong, and laugh the oppressor to the scorn and contempt that tyranny merits.

"From the city of Washington, the political heart of the nation, he made delightful excursions into Virginia, in which it happened that three out of all the presidents which we have had, yet reside as citizens—distinguished over their fellows only by the right of franking their letters, except in their private virtues—and this is all the distinction that the constitution allows!—no pension, no precedent, no other privilege than that of being enabled to correspond through the post-offices with their old friends and acquaintances, free of expense! He had before visited one of the lion-hearted of the revolution, the resolute and devoted president Adams; and the other ex-presidents were, the author of the declaration of independence; a soldier who spilled his blood in supporting it; and he to whom, perhaps, more than any man living, we are indebted for the present happy constitution of the United States. And in one of those excursions, he was accompanied by the present president of the republic, and met by the venerable chief justice of the United States, a fellow-soldier also. What meetings were these of the great and the good! We can entertain some idea of the sensations which they produced, but language would fail to give utterance to it, and we shall not attempt an impossibility.

"The last days of his visit were properly spent by Lafayette in the nation's house, on the invitation of its present possessor, the chief magistrate of the United States. Mr. Adams was, in his early youth, a favourite with the general, having much personal communication with him; and of his disposition and ability to represent the hospitality and feeling of the millions of free people over whose affairs he presides, there could not be a doubt. Lafayette was at home, in the national house, in the city of Washington, and in the heart of a family which had every inducement that can operate on the human mind to make him comfortable; this was his abode till the moment of his departure, to embark in the Brandywine, named in compliment to him, and peculiarly fitted for his accommodation—her 'giddy mast' bearing the stripes and the stars, her bosom to contain the person of our guest: a man of whom it may be said, 'take him all in all, we ne'er shall look upon his like again,' unless he shall again visit our shores: one that was the same, great and good, in prosperity and adversity—grateful for kind offices, forgiving of injuries, zealous to confer benefits—modest when as on the pinnacle of human glory, dignified and collected in the proud presence of kings. But I must not proceed—if, after Mr. Adams' display of eloquence and power, he, who commands words and they obey him, honestly confessed 'a want of language to give utterance to his feelings'—who among us may attempt it? I shall, therefore, proceed to notice some of the things which happened at the departure of Lafayette, with this simple remark, that if there is any American who can read, unmoved, Mr. Adams' valedictory address to him, or the reply of the general to that address, I would not possess that man's heart for his fortune, though he were a Cræsus.

"The 7th inst. was the day appointed for his departure. The civil and military authorities, and the whole people of Washington, had prepared to honour it. The banks were closed, and all business suspended; and nothing else engaged attention, except the ceremonies prescribed for the occasion.

"At about 12 o'clock, the authorities of Washington, Georgetown, and Alexandria, the principal officers of the general government, civil, military, and naval, some members of congress, and other respected strangers, were assembled in the president's house to take leave of Lafayette. He entered the great hall in silence, leaning on the marshal of the district, and on the arm of one of the president's sons. Mr. Adams then, with much dignity, but with evident emotion, addressed him in the following terms:—

"General Lafayette: It has been the good fortune of many of my distinguished fellow-citizens, during the course of the year now elapsed, upon your arrival at their respective places of abode, to greet you with the welcome of the nation. The less pleasing task now devolves upon me, of bidding you, in the name of the nation, adieu.

"It were no longer seasonable, and would be superfluous, to recapitulate the remarkable incidents of your early life—incidents which associated your name, fortunes, and reputation, in imperishable connexion with the independence and history of the North American union.

"The part which you performed at that important juncture was marked with characters so peculiar, that, realizing the fairest fable of antiquity, its parallel could scarcely be found in the *authentic* records of human history.

"You deliberately and perseveringly preferred toil, danger, the endurance of every hardship, and the privation of every comfort, in defence of a holy cause, to inglorious ease, and the allurements of rank, affluence, and unrestrained youth, at the most splendid and fascinating court of Europe.

"That this choice was not less wise than magnanimous, the sanction of half a century, and the gratulations of unnumbered voices, all unable to express the gratitude of the heart with which your visit to this hemisphere has been welcomed, afford ample demonstration.

"When the contest of freedom, to which you had repaired as a voluntary champion, had closed, by the complete triumph of her cause in this country of your adoption, you returned to fulfil the duties of the philanthropist and patriot in the land of your nativity. There, in a consistent and undeviating career of forty years, you have maintained, through every vicissitude of alternate success and disappointment, the same glorious cause to which the first years of your active life had been devoted, the improvement of the moral and political condition of man.

"Throughout that long succession of time, the people of the United States, for whom, and with whom, you had fought the battles of liberty, have been living in the full possession of its fruits; one of the happiest among the family of nations. Spreading in population; enlarging in territory; acting and suffering according to the condition of their nature; and laying the foundations of the greatest, and we humbly hope, the most beneficent power that ever regulated the concerns of man upon earth.

"In that lapse of forty years, the generation of

men with whom you co-operated in the conflict of arms, has nearly passed away. Of the general officers of the American army in that war, you alone survive. Of the sages who guided our councils ; of the warriors who met the foe in the field or upon the wave, with the exception of a few, to whom unusual length of days has been allotted by Heaven, all now sleep with their fathers. A succeeding, and even a third generation, have arisen to take their places ; and their children's children, while rising up to call them blessed, have been taught by them, as well as admonished by their own constant enjoyment of freedom, to include in every benison upon their fathers, the name of him who came from afar, with them, and in their cause, to conquer or to fall.

“The universal prevalence of these sentiments was signally manifested by a resolution of congress, representing the whole people, and all the states of this union, requesting the president of the United States to communicate to you assurances of the grateful and affectionate attachment of this government and people, and desiring that a national ship might be employed, at your convenience, for your passage to the borders of our country.

“The invitation was transmitted to you by my venerable predecessor : himself bound to you by the strongest ties of personal friendship, himself one of those whom the highest honours of his country had rewarded for blood early shed in her cause, and for a long life of devotion to her welfare. By him the services of a national ship were placed at your disposal. Your delicacy preferred a more private conveyance, and a full year has elapsed since you landed upon our shores. It were scarcely an exaggeration to say, that it has been, to the people of the union, a year of uninterrupted festivity and enjoyment, inspired by your presence. You have traversed the twenty-four states of this great confederacy : You have been received with rapture by the survivors of your earliest companions in arms : You have been hailed as a long absent parent by their children, the men and women of the present age : And a rising generation, the hope of future time, in numbers surpassing the whole population of that day when you fought at the head and by the side of their forefathers, have vied with the scanty remnants of that hour of trial, in acclamations of joy at beholding the face of him whom they feel to be the common benefactor of all. You have heard the mingled voices of the past, the present, and the future age, joining in one universal chorus of delight at your approach : and the shouts of unbidden thou-

sands, which greeted your landing on the soil of freedom, have followed every step of your way, and still resound, like the rushing of many waters, from every corner of our land.

“You are now about to return to the country of your birth, of your ancestors, of your posterity. The executive government of the union, stimulated by the same feeling which had prompted the congress to the designation of a national ship for your accommodation in coming hither, has destined the first service of a frigate, recently launched at this metropolis, to the less welcome, but equally distinguished trust, of conveying you home. The name of the ship has added one more memorial to distant regions and to future ages, of a stream already memorable, at once in the story of your sufferings and of our independence.

“The ship is now prepared for your reception, and equipped for sea. From the moment of her departure, the prayers of millions will ascend to Heaven that her passage may be prosperous, and your return to the bosom of your family as propitious to your happiness, as your visit to this scene of your youthful glory has been to that of the American people.

“Go, then, our beloved friend—return to the land of brilliant genius, of generous sentiment, of heroic valour ; to that beautiful France, the nursing mother of the twelfth Louis, and the fourth Henry ; to the native soil of Bayard and Coligni, of Turenne and Catinat, of Fenelon and D'Aguesseau. In that illustrious catalogue of names which she claims as of her children, and with honest pride holds up to the admiration of other nations, the name of Lafayette has already for centuries been enrolled. And it shall henceforth burnish into brighter fame ; for if, in after days, a Frenchman shall be called to indicate the character of his nation by that of one individual, during the age in which we live, the blood of lofty patriotism shall mantle in his cheek, the fire of conscious virtue shall sparkle in his eye, and he shall pronounce the name of Lafayette. Yet we, too, and our children, in life and after death, shall claim you for your own. You are ours by that more than patriotic self-devotion with which you flew to the aid of our fathers at the crisis of their fate. Ours by that long series of years in which you have cherished us in your regard. Ours by that unshaken sentiment of gratitude for your services which is a precious portion of our inheritance. Ours by that tie of love, stronger than death, which has linked your name, for the endless ages of time, with the name of Washington.

“At the painful moment of parting from you, we take comfort in the thought, that wherever you may be, to the last pulsation of your heart, our country will be ever present to your affections; and a cheering consolation assures us, that we are not called to sorrow most of all, that we shall see your face no more. We shall indulge the pleasing anticipation of beholding our friend again. In the meantime, speaking in the name of the whole people of the United States, and at a loss only for language to give utterance to that feeling of attachment with which the heart of the nation beats, as the heart of one man—I bid you a reluctant and affectionate farewell.”

“To which General Lafayette made the following answer:—

“Amidst all my obligations to the general government, and particularly to you, sir, its respected chief magistrate, I have most thankfully to acknowledge the opportunity given me, at this solemn and painful moment, to present the people of the United States with a parting tribute of profound, inexpressible gratitude.

“To have been, in the infant and critical days of these states, adopted by them as a favourite son, to have participated in the toils and perils of our unspotted struggle for independence, freedom, and equal rights, and in the foundation of the American era of a new social order, which has already pervaded this, and must, for the dignity and happiness of mankind, successively pervade every part of the other hemisphere, to have received at every stage of the revolution, and during forty years after that period, from the people of the United States, and their representatives at home and abroad, continual marks of their confidence and kindness, has been the pride, the encouragement, the support of a long and eventful life.

“But how could I find words to acknowledge that series of welcomes, those unbounded and universal displays of public affection, which have marked each step, each hour, of a twelve-months, progress through the twenty-four states, and which, while they overwhelm my heart with grateful delight, have most satisfactorily evinced the concurrence of the people in the kind testimonies, in the immense favours bestowed on me by the several branches of their representatives, in every part and at the central seat of the confederacy.

“Yet, gratification still higher awaited me; in the wonders of creation and improvement that have met my enchanted eye, in the unparalleled and self-felt happiness of the people, in their rapid prosperity and insured security, public and private, in a prac-

tice of good order, the appendage of true freedom, and a national good sense, the final arbiter of all difficulties, I have had proudly to recognise a result of the republican principles for which we have fought, and a glorious demonstration to the most timid and prejudiced minds, of the superiority, over degrading aristocracy or despotism, of popular institutions founded on the plain rights of man, and where the local rights of every section are preserved under a constitutional bond of union. The cherishing of that union between the states, as it has been the farewell entreaty of our great paternal Washington, and will ever have the dying prayer of every American patriot, so it has become the sacred pledge of the emancipation of the world, an object in which I am happy to observe that the American people, while they give the animating example of successful free institutions, in return for an evil entailed upon them by Europe, and of which a liberal and enlightened sense is every where more and more generally felt, show themselves every day more anxiously interested.

“And now, sir, how can I do justice to my deep and lively feelings for the assurances, most peculiarly valued, of your esteem and friendship, for your so very kind references to old times, to my beloved associates, to the vicissitudes of my life, for your affecting picture of the blessings poured by the several generations of the American people on the remaining days of a delighted veteran, for your affectionate remarks on this sad hour of separation, on the country of my birth, full, I can say, of American sympathies, on the hope so necessary to me of my seeing again the country that has deigned, near half a century ago, to call me hers? I shall content myself, refraining from superfluous repetitions, at once, before you, sir, and this respected circle, to proclaim my cordial confirmation of every one of the sentiments which I have had daily opportunities publicly to utter, from the time when your venerable predecessor, my old brother in arms and friend, transmitted to me the honourable invitation of congress, to this day, when you, my dear sir, whose friendly connexion with me dates from your earliest youth, are going to consign me to the protection, across the Atlantic, of the heroic national flag, on board the splendid ship, the name of which has been not the least flattering and kind among the numberless favours conferred upon me.

“God bless you, sir, and all who surround us. God bless the American people, each of their states, and the federal government. Accept this patriotic farewell of an overflowing heart; such will be its last throb when it ceases to beat.”

"As the last sentence was pronounced, the general advanced, and, while the tears poured over his venerable cheek, again took the President in his arms—he retired a few paces, but overcome by his feelings again returned, and uttering in broken accents, 'God bless you!' fell once more on the neck of Mr. Adams. It was a scene, at once solemn and moving, as the sighs and stealing tears of many, who witnessed it, bore testimony. Having recovered his self-possession, the general stretched out his hands, and was, in a moment, surrounded by the greetings of the whole assembly, who pressed upon him, each eager to seize, perhaps for the last time, that beloved hand which was opened so freely for our aid, when aid was so precious, and which grasped, with firm and undeviating hold, the steel which so bravely helped to achieve our deliverance. The expression which now beamed from the face of this exalted man was of the finest and most touching kind. The hero was lost in the father and the friend: dignity melted into subdued affection, and the friend of Washington seemed to linger with a mournful delight among the sons of his adopted country. A considerable period was then occupied in conversing with various individuals, while refreshments were presented to the company. The moment of departure at length arrived, and, having once more pressed the hand of Mr. Adams, he entered the barouche, accompanied by the secretaries of state, of the treasury, and of the navy.

"The parting being over, the carriage of the general, preceded by the cavalry, the marine corps, and Captain Edwards' rifle corps, and followed by the carriages containing the corporate authorities of the cities of the district, and numerous military and high civil officers of the government, moved forward, followed by the remaining military companies. In taking up the escort, the whole column moved through the court, in front of the president's mansion, and paid him the passing salute, as he stood in front to receive it. The whole scene—the peals of artillery, the animating sounds of numerous military bands, the presence of the vast concourse of people, and the occasion that assembled them, altogether produced emotions, not easily described, but which every American will readily conceive.

"On reaching the bank of the Potomac, near where the Mount Vernon steam vessel was in waiting, all the carriages in the procession, except the general's, wheeled off, and the citizens in them assembled on foot around that of the general. The whole military body then passed him in review, as he stood in the barouche of the president, attended

by the secretaries of state, of the treasury, and of the navy. After the review, the general proceeded to the steam vessel under a salute of artillery, surrounded by as many citizens, all eager to catch the last look, as could press on the large wharf; and, at four o'clock, this great, and good, and extraordinary man, trod, for the last time, the soil of America, followed by the blessings of every patriotic heart that lives on it.

"As the vessel moved off, and for a short time after, the deepest silence was observed by the whole of the vast multitude that lined the shore. The feelings that pervaded them was that of children bidding a final farewell to a venerated parent. The whole remained gazing after the retiring vessel, until she had passed Greenleaf's Point, where another salute repeated the valedictory sounds of respect, and these again were, not long after, echoed by the heavy guns of Fort Washington, and reminded us of the rapidity with which this benefactor and friend of our country was borne from it.

"The general was accompanied to the Brandywine by the secretary of the navy, the mayors of the three cities of the district, the commander-in-chief of the army, the generals of the militia of the district, Commodore Bainbridge, and several other gentlemen."

The transactions between the United States and the Indian tribes have occasioned considerable discussion among the philanthropists of both the new and the old world; we shall, therefore, notice the treaties which were formed somewhat particularly. In February, a treaty was concluded with the Creek nation of Indians. The commissioners on the part of the United States represented to the Creeks, that it is the policy and wish of the general government, that the several Indian tribes within the limits of any of the states of the union, should remove to territory to be designated on the west side of the Mississippi river, as well for the better protection and security of the said tribes, and their improvement in civilization, as for the purpose of enabling the United States, in this instance, to comply with a compact entered into with the state of Georgia, on the 24th of April, 1802. The chiefs of the Creek towns assented to the reasonableness of the proposition, and expressed a willingness to migrate beyond the Mississippi, those of Tokaubatchee excepted. The Creeks accordingly, by the first article of the treaty, ceded to the United States all the lands within the boundaries of the state of Georgia now occupied by them, or to

which they have title or claim, lying within certain described boundaries; and by the second it was agreed, that the United States will give in exchange for the lands hereby acquired the like quantity, acre for acre, westward of the Mississippi, on the Arkansas river. . . Other stipulations favourable to the equitable claims of the emigrating parties were made; particularly that a deputation may be sent to explore the territory herein offered them in exchange; and if the same be not acceptable to them, then they may select any other territory west of the Mississippi, on Red, Canadian, Arkansas, or Missouri rivers, the territory occupied by the Cherokees and Choctaws excepted; and if the territory to be selected shall be in the occupancy of other Indian tribes, then the United States will extinguish the title of such occupants for the benefit of the said emigrants.

The Kansas Indians, by treaty, ceded to the United States all their lands both within and without the limits of Missouri, excepting a reservation beyond that state on the Kansas river, about thirty miles square, including their villages. In consideration of this cession, the United States agreed to pay three thousand five hundred dollars a year for twenty years; to furnish the Kansas immediately with three hundred head of cattle, three hundred hogs, five hundred fowls, three yoke of oxen, and two carts, and with such farming utensils as the Indian superintendent may deem necessary; to provide and support a blacksmith for them; and to employ persons to aid and instruct them in their agricultural pursuits, as the president may deem expedient. Of the ceded lands, thirty-six sections on the Big Blue river were to be laid out under the direction of the president, and sold for the support of schools among the Kansas. Reservations were also made for the benefit of certain half-breeds; and other stipulations mutually satisfactory. It was also agreed, that no private revenge shall be taken by the Indians for the violation of their rights; but that they shall make their complaint to the superintendent or other agent, and receive justice in a due course of law; and it was

lastly agreed, that the Kansas nation shall never dispose of their lands without the consent of the United States, and that the United States shall always have the free right of navigation in the waters of the Kansas.

A treaty was also concluded with the Great and Little Osages, at St. Louis, Missouri. The general principles of this treaty are the same as those of the treaty with the Kansas. The Indians cede all their lands in Arkansas and elsewhere, and then reserve a defined territory, west of the Missouri line, fifty miles square; an agent to be permitted to reside on the reservation, and the United States to have the right of free navigation in all the waters on the tract. The United States pay an annuity of seven thousand dollars for twenty years; furnish forthwith six hundred head of cattle, six hundred hogs, one thousand fowls, ten yoke of oxen, six carts, with farming utensils, persons to teach the Indians agriculture, and a blacksmith, and build a commodious dwelling-house for each of the four principal chiefs, at his own village. Reservations were made for the establishment of a fund for the support of schools for the benefit of the Osage children; and provision was made for the benefit of the Harmony missionary establishment. The United States also assume certain debts due from certain chiefs of the tribes; and agree to deliver at the Osage villages, as soon as may be, four thousand dollars in merchandise, and two thousand six hundred in horses and their equipments.

In May, a general convention of peace, amity, navigation, and commerce, between the United States of America and the republic of Colombia, was signed by the president, at Washington.

The fiftieth anniversary, the jubilee, as it was termed, of American independence, was observed throughout the states with great enthusiasm, and was rendered additionally interesting by the remarkable circumstance that both Adams and Jefferson, eminent men among the fathers of their country, died on that day.*

Mr. Adams, in a message to congress, recommend-

* John Adams was born at Quincy, then part of the ancient town of Braintree, on the 19th day of October, (Old Style,) 1735. He was a descendant of the Puritans, his ancestors having early emigrated from England, and settled in Massachusetts. Discovering early a strong love of reading and of knowledge, together with marks of great strength and activity of mind, proper care was taken by his worthy father, to provide for his education. He pursued his youthful studies in Braintree, under Mr. Marsh, a teacher whose fortune it was that Josiah Quincy, Jr., as well as the subject of these remarks, should receive from him his instruction in the rudiments of classical literature. Having been admitted, in 1751, a member of Harvard College, Mr. Adams was graduated, in course, in 1755; and on the catalogue of that institution, his name, at the time of his death, was second among the living Alumni, being preceded only by that of the venerable Holyoke. With what degree of repu-

tation he left the university, is not now precisely known. We know only that he was distinguished in a class which numbered Locke and Hemenway among its members. Choosing the law for his profession, he commenced and prosecuted his studies at Worcester, under the direction of Samuel Putnam, a gentleman whom he has himself described as an acute man, an able and learned lawyer, and as in large professional practice at that time. In 1758, he was admitted to the bar, and commenced business in Braintree. He is understood to have made his first considerable effort, or to have attained his first signal success, at Plymouth, on one of those occasions which furnish the earliest opportunity for distinction to many young men of the profession, a jury trial, and a criminal cause. His business naturally grew with his reputation, and his residence in the vicinity afforded the opportunity, as his growing eminence gave the power, of entering on the larger field of practice

ed a naval academy, and urged the appropriation of money for such an establishment; but congress did not move far in the business. He also recommended

which the capital presented. In 1766, he removed his residence to Boston, still continuing his attendance on the neighbouring circuits, and not unfrequently called to remote parts of the province. In 1770, his professional firmness was brought to a test of some severity, on the application of the British officers and soldiers to undertake their defence, on the trial of the indictments found against them on account of the transactions of the memorable 5th of March. He seems to have thought, on this occasion, that a man can no more abandon the proper duties of his profession, than he can abandon other duties. The event proved, that as he judged well for his own reputation, so he judged well, also, for the interest and permanent fame of his country. The result of that trial proved, that notwithstanding the high degree of excitement then existing, in consequence of the measures of the British government, a jury of Massachusetts would not deprive the most reckless enemies, even the officers of that standing army, quartered among them, which they so perfectly abhorred, of any part of that protection which the law, in its mildest and most indulgent interpretation, afforded to persons accused of crimes.

Without pursuing Mr. Adams' professional course further, suffice it to say, that on the first establishment of the judicial tribunals under the authority of the state, in 1776, he received an offer of the high and responsible station of chief justice of the supreme court. But he was destined for another and a different career. From early life the bent of his mind was toward politics; a propensity which the state of the times, if it did not create, doubtless very much strengthened. Public subjects must have occupied the thoughts and filled up the conversation in the circles in which he then moved; and the interesting questions, at that time just arising, could not but seize on a mind, like his, ardent, sanguine, and patriotic. The letter, fortunately preserved, written by him at Worcester, so early as the 12th of October, 1755, is a proof of very comprehensive views, and uncommon depth of reflection, in a young man not yet quite twenty. In this letter he predicted the transfer of power, and the establishment of a new seat of empire in America; he predicted, also, the increase of population in the colonies; and anticipated their naval distinction, and foretold that all Europe, combined, could not subdue them. All this is said, not on a public occasion, or for effect, but in the style of sober and friendly correspondence, as the result of his own thoughts. "I sometimes retire," said he, at the close of the letter, "and laying things together, form some reflections pleasing to myself. The produce of one of these reveries you have read above." This prognostication, so early in his own life, so early in the history of the country, of independence, of vast increase of numbers, of naval force, of such augmented power as might defy all Europe, is remarkable. It is more remarkable, that its author should live to see fulfilled to the letter, what could have seemed to others, at the time, but the extravagance of youthful fancy. His earliest political feelings were thus strongly American; and from this ardent attachment to his native soil he never departed.

While still living at Quincy, and at the age of twenty-four, Mr. Adams was present, in this town, on the argument before the supreme court respecting Writs of Assistance, and heard the celebrated and patriotic speech of James Otis. Unquestionably, that was a masterly performance. No flighty declamation about liberty, no superficial discussion of popular topics, it was a learned, penetrating, convincing, constitutional argument, expressed in a strain of high and resolute patriotism. He grasped the question, then pending between England and her colonies, with the strength of a lion; and if he sometimes sported, it was only because the lion himself is sometimes playful. Its success appears to have been as great as its merits, and its impression was widely felt. Mr. Adams himself seems never to have lost the feeling it produced, and to have entertained constantly the fullest conviction of its important effects. "I do say," he observes, "in the most solemn manner, that Mr. Otis' Oration against Writs of Assistance, breathed into this nation the breath of life."

In 1765, Mr. Adams laid before the public what I suppose to be

the erection of an observatory, that the United States might not be behind the nations of Europe in their astronomical knowledge. This was also neglected.

his first printed performance, except essays for the periodical press, a Dissertation on the Canon and Feudal Law. The object of this work was to show that our New England ancestors, in consenting to exile themselves from their native land, were actuated, mainly, by the desire of delivering themselves from the power of the hierarchy, and from the monarchical and aristocratical political systems of the other continent; and to make this truth bear, with effect, on the politics of the times. Its tone is uncommonly bold and animated, for that period. He calls on the people, not only to defend, but to study and understand their rights and privileges; urges earnestly the necessity of diffusing general knowledge, invokes the clergy and the bar, the colleges and academies, and all others who have the ability and the means, to expose the insidious designs of arbitrary power, to resist its approaches, and to be persuaded that there is a settled design on foot to enslave all America. "Be it remembered," says the author, "that liberty must, at all hazards, be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned it, and bought it for us, at the expense of their ease, their estate, their pleasure, and their blood. And liberty can not be preserved without a general knowledge among the people, who have a right, from the frame of their nature, to knowledge, as their great Creator, who does nothing in vain, has given them understandings, and a desire to know; but, besides this, they have a right, an indisputable, unalienable, indefeasible right, to that most dreaded and envied kind of knowledge, I mean of the character and conduct of their rulers. Rulers are no more than attorneys, agents, and trustees of the people; and if the cause, the interest, and trust, is insidiously betrayed, or wantonly trifled away, the people have a right to revoke the authority that they themselves have deputed, and to constitute other and better agents, attorneys, and trustees."

The citizens of this town conferred on Mr. Adams his first political distinction, and clothed him with his first political trust, by electing him one of their representatives, in 1770. Before this time he had become extensively known throughout the province, as well by the part he had acted in relation to public affairs, as by the exercise of his professional ability. He was among those who took the deepest interest in the controversy with England, and whether in or out of the legislature, his time and talents were alike devoted to the cause. In the years 1773 and 1774, he was chosen a counsellor, by the members of the general court, but rejected by Governor Hutchinson, in the former of those years, and by Governor Gage in the latter.

The time was now at hand, however, when the affairs of the colonies urgently demanded united councils. An open rupture with the parent state appeared inevitable, and it was but the dictate of prudence, that those who were united by a common interest and a common danger, should protect that interest and guard against that danger, by united efforts. A general congress of delegates from all the colonies, having been proposed and agreed to, the house of representatives, on the 17th of June, 1774, elected James Bowdoin, Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine, delegates from Massachusetts. This appointment was made at Salem, where the general court had been convened by Governor Gage, in the last hour of the existence of a house of representatives under the provincial charter. While engaged in this important business, the governor having been informed of what was passing, sent his secretary with a message dissolving the general court. The secretary finding the door locked, directed the messenger to go in and inform the speaker that the secretary was at the door with a message from the governor. The messenger returned, and informed the secretary that the orders of the house were, that the doors should be kept fast; whereupon the secretary soon after read a proclamation, dissolving the general court upon the stairs. Thus terminated, for ever, the actual exercise of the political power of England in or over Massachusetts. The four last named delegates accepted their appointments, and took their seats in congress, the first day of its meeting, September 5, 1774, in Philadelphia.

The next election was the all engrossing subject of the politicians, in every quarter of the country, and forbade any improvements in science or letters. To-

The proceedings of the first congress are well known, and have been universally admired. It is in vain that we would look for superior proofs of wisdom, talent, and patriotism. Lord Chatham said, that, for himself, he must declare, that he had studied and admired the free states of antiquity, the master states of the world, but that for solidity of reasoning, force of sagacity, and wisdom of conclusion, no body of men could stand in preference to this congress. It is hardly inferior praise to say, that no production of that great man himself, can be pronounced superior to several of the papers published as the proceedings of this most able, most firm, most patriotic assembly. There is, indeed, nothing superior to them in the range of political disquisition. They not only embrace, illustrate, and enforce every thing which political philosophy, the love of liberty, and the spirit of free inquiry, had antecedently produced, but they add new and striking views of their own, and apply the whole, with irresistible force, in support of the cause which had drawn them together.

Mr. Adams was a constant attendant on the deliberations of this body, and bore an active part in its important measures. He was of the committee to state the rights of the colonies, and of that also which reported the address to the king.

As it was in the continental congress, fellow-citizens, that those whose deaths have given rise to this occasion, were first brought together, and called on to unite their industry and their ability, in the service of the country, let us now turn to the other of these distinguished men, and take a brief notice of his life, up to the period when he appeared within the walls of congress.

Thomas Jefferson, descended from ancestors who had been settled in Virginia for some generations, was born near the spot on which he died, in the county of Albemarle, on the 2d of April, (Old Style,) 1743. His youthful studies were pursued in the neighbourhood of his father's residence, until he was removed to the college of William and Mary, the highest honours of which he in due time received. Having left the college with reputation, he applied himself to the study of the law, under the tuition of George Wythe, one of the highest judicial names of which that state can boast. At an early age he was elected a member of the legislature, in which he had no sooner appeared, than he distinguished himself, by knowledge, capacity, and promptitude.

Mr. Jefferson appears to have been imbued with an early love of letters and science, and to have cherished a strong disposition to pursue these objects. To the physical sciences, especially, and to ancient classic literature, he is understood to have had a warm attachment, and never entirely to have lost sight of them, in the midst of the busiest occupations. But the times were times for action, rather than for contemplation. The country was to be defended, and to be saved, before it could be enjoyed. Philosophic leisure and literary pursuits, and even the objects of professional attention, were all necessarily postponed to the urgent calls of the public service. The exigency of the country made the same demand on Mr. Jefferson that it made on others who had the ability and the disposition to serve it; and he obeyed the call; thinking and feeling, in this respect, with the great Roman orator: *Quis enim est tam cupidus in perspicenda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriæ, cui subvenire opitulatique possit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas, aut metiri mundi magnitudinem posse arbitretur?*

Entering, with all his heart, into the cause of liberty, his ability, patriotism, and power with the pen, naturally drew upon him a large participation in the most important concerns. Wherever he was, there was found a soul devoted to the cause, power to defend and maintain it, and willingness to incur all its hazards. In 1774, he published a Summary View of the Rights of British America, a valuable production among those intended to show the dangers which threatened the liberties of the country, and to encourage the people in their defence. In June, 1775, he was elected a member of the continental congress, as successor to Peyton Randolph, who

wards the close of his administration, twenty thousand dollars were appropriated, to be paid by instalments, for statuary to fill some niches in the east

had retired on account of ill health, and took his seat in that body on the 21st of the same month.

And now, fellow-citizens, without pursuing the biography of these illustrious men further, for the present, let us turn our attention to the most prominent act of their lives, their participation in the declaration of independence.

Preparatory to the introduction of that important measure, a committee, at the head of which was Mr. Adams, had reported a resolution, which congress adopted the 10th of May, recommending, in substance, to all the colonies which had not already established governments suited to the exigencies of their affairs, to adopt such government as would, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

This significant vote was soon followed by the direct proposition, which Richard Henry Lee had the honour to submit to congress, by resolution, on the 7th day of June. The published journal does not expressly state it, but there is no doubt, I suppose, that this resolution was in the same words, when originally submitted by Mr. Lee, as when finally passed. Having been discussed on Saturday, the 8th, and Monday, the 10th of June, this resolution was on the last mentioned day postponed, for further consideration, to the first day of July; and, at the same time, it was voted, that a committee be appointed to prepare a declaration, to the effect of the resolution. This committee was elected by ballot, on the following day, and consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston.

It is usual, when committees are elected by ballot, that their members are arranged in order, according to the number of votes which each has received; Mr. Jefferson, therefore, had received the highest, and Mr. Adams the next highest number of votes. The difference is said to have been but of a single vote. Mr. Jefferson and Mr. Adams, standing thus at the head of the committee, were requested by the other members to act as a sub-committee, to prepare the draft; and Mr. Jefferson drew up the paper. The original draft, as brought by him from his study, and submitted to the other members of the committee, with interlinations in the hand-writing of Dr. Franklin, and others in that of Mr. Adams, was in Mr. Jefferson's possession at the time of his death. The merit of this paper is Mr. Jefferson's. Some changes were made in it, on the suggestion of other members of the committee, and others by congress, while it was under discussion. But none of them altered the tone, the frame, the arrangement, or the general character of the instrument. As a composition the declaration is Mr. Jefferson's. It is the production of his mind, and the high honour of it belongs to him, clearly and absolutely.

It has sometimes been said, as if it were a derogation from the merits of this paper, that it contains nothing new; that it only states grounds of proceeding, and presses topics of argument, which had often been stated and pressed before. But it was not the object of the declaration to produce any thing new. It was not to invent reasons for independence, but to state those which governed the congress. For great and sufficient causes, it was proposed to declare independence; and the proper business of the paper to be drawn, was to set forth those causes, and justify the authors of the measure, in any event of fortune, to the country, and to posterity. The cause of American independence, moreover, was now to be presented to the world, in such manner, if it might so be, as to engage its sympathy, to command its respect, to attract its admiration; and in an assembly of most able and distinguished men, Thomas Jefferson had the high honour of being the selected advocate of this cause. To say that he performed his great work well, would be doing him injustice. To say that he did excellently well, admirably well, would be inadequate and halting praise. Let us rather say, that he so discharged the duty assigned him, that all Americans may well rejoice, that the work of drawing the title deed of their liberties devolved on his hands.

With all its merits, there are those who have thought that there was one thing in the declaration to be regretted; and that is, the

front of the capitol, and a suitable artist engaged to repair to Italy, to commence his labours. He received his instructions from Mr. Adams, who had de-

asperity and apparent anger with which it speaks of the person of the king; the industrious ability with which it accumulates and charges upon him, all the injuries which the colonies had suffered from the mother country. Possibly some degree of injustice, now or hereafter, at home or abroad, may be done to the character of Mr. Jefferson, if this part of the declaration be not placed in its proper light. Anger or resentment, certainly, much less personal reproach and invective, could not properly find place, in a composition of such high dignity, and of such lofty and permanent character.

A single reflection on the original ground of dispute, between England and the colonies, is sufficient to remove any unfavourable impression, in this respect.

The inhabitants of all the colonies, while colonies, admitted themselves bound by their allegiance to the king; but they disclaimed altogether, the authority of parliament; holding themselves, in this respect, to resemble the condition of Scotland and Ireland, before the respective unions of those kingdoms with England, when they acknowledged allegiance to the same king, but each had its separate legislature. The tie, therefore, which our revolution was to break, did not subsist between us and the British parliament, or between us and the British government, in the aggregate; but directly between us and the king himself. The colonies had never admitted themselves subject to parliament. That was precisely the point of the original controversy. They had uniformly denied that parliament had authority to make laws for them. There was, therefore, no subjection to parliament to be thrown off. But allegiance to the king did exist, and had been uniformly acknowledged; and down to 1775 the most solemn assurances had been given that it was not intended to break that allegiance, or to throw it off. Therefore, as the direct object, and only effect of the declaration, according to the principles on which the controversy had been maintained, on our part, was to sever the tie of allegiance which bound us to the king, it was properly and necessarily founded on acts of the crown itself, as its justifying causes. Parliament is not so much as mentioned, in the whole instrument. When odious and oppressive acts are referred to, it is done by charging the king with confederating, with others, "in pretended acts of legislation;" the object being, constantly, to hold the king himself directly responsible for those measures which were the grounds of separation. Even the precedent of the English revolution was not overlooked, and, in this case, as well as in that, occasion was found to say that the king had abdicated the government. Consistency with the principles upon which resistance began, and with all the previous state papers issued by congress, required that the declaration should be bottomed on the misgovernment of the king; and therefore it was properly framed with that aim and to that end. The king was known, indeed, to have acted, as in other cases, by his ministers, and with his parliament; but as our ancestors had never admitted themselves subject either to ministers or to parliament, there were no reasons to be given for now refusing obedience to their authority. This clear and obvious necessity of founding the declaration on the misconduct of the king himself, gives to that instrument its personal application, and its character of direct and pointed accusation.

The declaration having been reported to congress, by the committee, the resolution itself was taken up and debated on the first day of July, and again on the second, on which last day it was agreed to and adopted in these words:

Resolved, That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved.

Having thus passed the main resolution, congress proceeded to consider the reported draft of the declaration. It was discussed on the second, and third, and fourth days of the month, in committee of the whole; and on the last of those days, being reported from that committee it received the final approbation and sanction of

signed the ornaments of the pediment on the front of the same building.

Mr. Adams lived in harmony with his cabinet, al-

congress. It was ordered, at the same time, that copies be sent to the several states, and that it be proclaimed at the head of the army. The declaration, thus published, did not bear the names of the members, for as yet it had not been signed by them. It was authenticated, like other papers of the congress, by the signatures of the president and secretary. On the 19th of July, as appears by the secret journal, congress, "Resolved, that the declaration, passed on the fourth, be fairly engrossed on parchment, with the title and style of 'The unanimous declaration of the thirteen United States of America;' and that the same, when engrossed, be signed by every member of congress." And on the second day of August, following, "the declaration, being engrossed and compared at the table, was signed by the members." So that it happens, fellow-citizens, that we pay these honours to their memory, on the anniversary of that day, on which these great men actually signed their names to the declaration. The declaration was thus made, that is, it passed, and was adopted as an act of congress, on the fourth of July; it was then signed and certified by the president and secretary, like other acts. The fourth of July, therefore, is the anniversary of the declaration. But the signatures of the members present were made to it, being then engrossed on parchment, on the second day of August. Absent members afterwards signed, as they came in; and indeed it bears the names of some who were not chosen members of congress until after the fourth of July. The interest belonging to the subject will be sufficient, I hope, to justify these details.

The congress of the revolution, fellow-citizens, sat with closed doors, and no report of its debates was ever taken. The discussion, therefore, which accompanied this great measure, has never been preserved, except in memory, and by tradition. But it is, I believe, doing no injustice to others, to say, that the general opinion was, and uniformly has been, that in debate, on the side of independence, John Adams had no equal. The great author of the declaration himself has expressed that opinion uniformly and strongly. "John Adams," said he, in the hearing of him who has now the honour to address you, "John Adams was our Colossus on the floor. Not graceful, not eloquent, not always fluent, in his public addresses, he yet came out with a power, both of thought and of expression, which moved us from our seats."

For the part which he was here to perform, Mr. Adams doubtless was eminently fitted. He possessed a bold spirit, which disregarded danger, and a sanguine reliance on the goodness of the cause, and the virtues of the people, which led him to overlook all obstacles. His character, too, had been formed in troubled times. He had been rocked in the early storms of the controversy, and had acquired a decision and a hardihood, proportioned to the severity of the discipline which he had undergone.

He not only loved the American cause devoutly, but had studied and understood it. It was all familiar to him. He had tried his powers, on the questions which it involved, often, and in various ways; and had brought to their consideration whatever of argument or illustration the history of his own country, the history of England, or the stores of ancient or of legal learning, could furnish. Every grievance, enumerated in the long catalogue of the declaration, had been the subject of his discussion, and the object of his remonstrance and reprobation. From 1760, the colonies, the rights of the colonies, the liberties of the colonies, and the wrongs inflicted on the colonies, had engaged his constant attention; and it has surprised those, who have had the opportunity of observing, with what full remembrance, and with what prompt recollection, he could refer, in his extreme old age, to every act of parliament affecting the colonies, distinguishing and stating their respective titles, sections, and provisions; and to all the colonial memorials, remonstrances, and petitions, with whatever else belonged to the intimate and exact history of the times from that year to 1775. It was in his own judgment, between these years, that the American people came to a full understanding and thorough knowledge of their rights, and to a fixed resolution of maintaining them; and bearing himself an active part in all important transactions, the

though they were made of different materials from himself. He struggled hard to prove that a president could act without party; but his success did not

controversy with England being then, in effect, the business of his life, facts, dates, and particulars, made an impression which was never effaced. He was prepared, therefore, by education and discipline, as well as by natural talent and natural temperament, for the part which he was now to act.

The eloquence of Mr. Adams resembled his general character, and formed, indeed, a part of it. It was bold, manly, and energetic; and such the crisis required. When public bodies are to be addressed on momentous occasions, when great interests are at stake, and strong passions excited, nothing is valuable, in speech, further than it is connected with high intellectual and moral endowments. Clearness, force, and earnestness, are the qualities which produce conviction. True eloquence, indeed, does not consist in speech. It can not be brought from far. Labour and learning may toil for it, but they will toil in vain. Words and phrases may be marshalled in every way, but they can not compass it. It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire after it—they can not reach it. It comes, if it come at all, like the out-breaking of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force. The graces taught in the schools, the costly ornaments, and studied contrivances of speech, shock and disgust men, when their own lives, and the fate of their wives, their children, and their country, hang on the decision of the hour. Then words have lost their power, rhetoric is vain, and all elaborate oratory contemptible. Even genius itself then feels rebuked and subdued, as in the presence of higher qualities. Then, patriotism is eloquent; then, self-devotion is eloquent. The clear conception, outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit, speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward, right onward to his object—this, this is eloquence; or rather, it is something greater and higher than all eloquence; it is action, noble, sublime, godlike action.

In July, 1776, the controversy had passed the stage of argument. An appeal had been made to force, and opposing armies were in the field. Congress, then, was to decide whether the tie which had so long bound us to the parent state, was to be severed at once, and severed for ever. All the colonies had signified their resolution to abide by this decision, and the people looked for it with the most intense anxiety. And surely, fellow-citizens, never, never were men called to a more important political deliberation. If we contemplate it from the point where they then stood, no question could be more full of interest; if we look at it now, and judge of its importance by its effects, it appears in still greater magnitude.

Let us, then, bring before us the assembly, which was about to decide a question thus big with the fate of empire. Let us open their doors, and look in upon their deliberations. Let us survey the anxious and care-worn countenances, let us hear the firm-toned voices, of this band of patriots.

Hancock presides over the solemn sitting; and one of those not yet prepared to pronounce for absolute independence, is on the floor, and is urging his reasons for dissenting from the declaration.

"Let us pause! This step, once taken, can not be retraced. This resolution, once passed, will cut off all hope of reconciliation. If success attend the arms of England, we shall then be no longer colonies, with charters, and with privileges; these will all be forfeited by this act; and we shall be in the condition of other conquered people, at the mercy of the conquerors. For ourselves, we may be ready to run the hazard; but are we ready to carry the country to that length? Is success so probable as to justify it? Where is the military, where the naval power, by which we are to resist the whole strength of the arm of England, for she will exert that strength to the utmost? Can we rely on the constancy and perseverance of the people? or will they not act, as the people of other countries have acted, and wearied with a long war, submit, in the end, to a worse oppression? While we stand on our old ground, and insist on redress of grievances, we know we are right,

warrant the conclusion that such a course could ever be wisely pursued. Many were mortified, and not a few disappointed, to see those who had made no effort

and are not answerable for consequences. Nothing, then, can be imputable to us. But if we now change our object, carry our pretensions further, and set up for absolute independence, we shall loose the sympathy of mankind. We shall no longer be defending what we possess, but struggling for something which we never did possess, and which we have solemnly and uniformly disclaimed all intention of pursuing, from the very outset of the troubles. Abandoning thus our old ground, of resistance only to arbitrary acts of oppression, the nations will believe the whole to have been mere pretence, and they will look on us, not as injured, but as ambitious, subjects. I shudder, before this responsibility. It will be on us, if relinquishing the ground we have stood on so long, and stood on so safely, we now proclaim independence, and carry on the war for that object while these cities burn, these pleasant fields whiten and bleach with the bones of their owners, and these streams run blood. It will be upon us, it will be upon us, if failing to maintain this unseasonable and ill-judged declaration, a sterner despotism, maintained by military power, shall be established over our posterity, when we ourselves, given up by an exhausted, a harassed, a misled people, shall have expiated our rashness, and atoned for our presumption, on the scaffold."

It was for Mr. Adams to reply to arguments like these. We know his opinions, and we know his character. He would commence with his accustomed directness and earnestness.

"Sink or swim, live or die, survive or perish, I give my hand, and my heart, to this vote. It is true, indeed, that in the beginning, we aimed not at independence. But there's a Divinity which shapes our ends. The injustice of England has driven us to arms; and, blinded to her own interest for our good, she has obstinately persisted, till independence is now within our grasp. We have but to reach forth to it, and it is ours. Why then should we defer the declaration? Is any man so weak as now to hope for a reconciliation with England, which shall leave either safety to the country and its liberties, or safety to his own life, and his own honour? Are not you, sir, who sit in that chair, is not he, our venerable colleague near you, are you not both already the proscribed and predestined objects of punishment and of vengeance? Cut off from all hope of royal clemency, what are you, what can you be, while the power of England remains, but outlaws? If we postpone independence, do we mean to carry on, or to give up, the war? Do we mean to submit to the measures of parliament, Boston port-hill, and all? Do we mean to submit, and consent that we ourselves shall be ground to powder, and our country and its rights trodden down in the dust? I know we do not mean to submit. We never shall submit. Do we intend to violate that most solemn obligation ever entered into by men, that plighting, before God, of our sacred honour to Washington, when putting him forth to incur the dangers of war, as well as the political hazards of the times, we promised to adhere to him, in every extremity, with our fortunes and our lives? I know there is not a man here, who would not rather see a general conflagration sweep over the land, or an earthquake sink it, than one jot or tittle of that plighted faith fall to the ground. For myself, having, twelve months ago, in this place, moved you, that George Washington be appointed commander of the forces, raised or to be raised, for defence of American liberty, may my right hand forget her cunning, and my tongue cleave to the roof of my mouth, if I hesitate or waver in the support I give him. The war, then, must go on. We must fight it through. And if the war must go on, why put off longer the declaration of independence? That measure will strengthen us. It will give us character abroad. The nations will then treat with us, which they never can do while we acknowledge ourselves subjects, in arms against our sovereign. Nay, I maintain that England herself, will sooner treat for peace with us on the footing of independence, than consent, by repealing her acts, to acknowledge that her whole conduct towards us has been a course of injustice and oppression. Her pride will be less wounded, by submitting to that course of things which now predestinates our independence, than by yielding the points in controversy to her rebellious subjects. The former

to bring in the administration, receive the rewards which belonged to his political friends. Mr. Adams was unquestionably the most learned of all the chief

she would regard as the result of fortune; the latter she would feel as her own deep disgrace. Why then, why then, sir, do we not, as soon as possible, change this from a civil to a national war? And since we must fight it through, why not put ourselves in a state to enjoy all the benefits of victory, if we gain the victory?

"If we fail, it can be no worse for us. But we shall not fail. The cause will raise up armies; the cause will create navies. The people, the people, if we are true to them, will carry us, and will carry themselves, gloriously, through this struggle. I care not how fickle other people have been found. I know the people of these colonies, and I know that resistance to British aggression is deep and settled in their hearts, and can not be eradicated. Every colony, indeed, has expressed its willingness to follow, if we but take the lead. Sir, the declaration will inspire the people with increased courage. Instead of a long and bloody war for restoration of privileges, for redress of grievances, for chartered immunities, held under a British king, set before them the glorious object of entire independence, and it will breathe into them anew the breath of life. Read this declaration at the head of the army; every sword will be drawn from its scabbard, and the solemn vow uttered, to maintain it, or to perish on the bed of honour. Publish it from the pulpit; religion will approve it, and the love of religious liberty will cling round it, resolved to stand with it, or fall with it. Send it to the public halls; proclaim it there; let them hear it, who heard the first roar of the enemy's cannon; let them see it, who saw their brothers and their sons fall on the field of Bunker Hill, and in the streets of Lexington and Concord; and the very walls will cry out in its support.

"Sir, I know the uncertainty of human affairs, but I see, I see clearly, through this day's business. You and I, indeed, may rue it. We may not live to the time, when this declaration shall be made good. We may die; die, colonists; die, slaves; die, it may be, ignominiously and on the scaffold. Be it so. Be it so. If it be the pleasure of Heaven that my country shall require the poor offering of my life, the victim shall be ready, at the appointed hour of sacrifice, come when that hour may. But while I do live, let me have a country, or at least the hope of a country, and that a free country.

"But whatever may be our fate, be assured, be assured, that this declaration will stand. It may cost treasure, and it may cost blood; but it will stand, and it will richly compensate for both. Through the thick gloom of the present, I see the brightness of the future, as the sun in heaven. We shall make this a glorious, an immortal day. When we are in our graves, our children will honour it. They will celebrate it with thanksgiving, with festivity, with bonfires and illuminations. On its annual return they will shed tears, copious, gushing tears, not of subjection and slavery, not of agony and distress, but of exultation, of gratitude, and of joy. Sir, before God, I believe the hour has come. My judgment approves this measure, and my whole heart is in it. All that I have, and all that I am, and all that I hope, in this life, I am now ready here to stake upon it; and I leave off, as I begun, that live or die, survive or perish, I am for the declaration. It is my living sentiment, and, by the blessing of God, it shall be my dying sentiment; independence now; and independence for ever."

And so that day shall be honoured, illustrious prophet and patriot! so that day shall be honoured, and as often as it returns, thy renown shall come along with it, and the glory of thy life, like the day of thy death, shall not fail from the remembrance of men.

It would be unjust, fellow-citizens, on this occasion, while we express our veneration for him who is the immediate subject of these remarks, were we to omit a most respectful, affectionate, and grateful mention of those other great men, his colleagues, who stood with him, and with the same spirit, the same devotion, took part in the interesting transaction. Hancock, the proscribed Hancock, exiled from his home by a military governor, cut off, by proclamation, from the mercy of the crown, heaven reserved for him the distinguished honour of putting this great question to the vote, and of writing his own name first, and most conspicuously, on that

magistrates the nation has had. He received all foreign ambassadors without an interpreter, and satisfied all that he was acquainted with their mother

parchment which spoke defiance to the power of the crown of England. There, too, is the name of that other proscribed patriot, Samuel Adams; a man who hungered and thirsted for the independence of his country; who thought the declaration halted and lingered, being himself not only ready, but eager for it, long before it was proposed; a man of the deepest sagacity, the clearest foresight, and the profoundest judgment in men. And there is Gerry, himself among the earliest and the foremost of the patriots, found, when the battle of Lexington summoned them to common councils, by the side of Warren; a man who lived to serve his country at home and abroad, and to die in the second place in the government. There, too, is the inflexible, the upright, the Spartan character, Robert Treat Paine. He, also, lived to serve his country through the struggle, and then withdrew from her councils, only that he might give his labours and his life to his native state, in another relation. These names, fellow-citizens, are the treasures of the commonwealth; and they are treasures which grow brighter by time.

It is now necessary to resume, and to finish with great brevity, the notice of the lives of those, whose virtues and services we have met to commemorate.

Mr. Adams remained in congress from its first meeting, till November, 1777, when he was appointed minister to France. He proceeded on that service, in the February following, embarking in the Boston frigate, on the shore of his native town, at the foot of Mount Wollaston. The year following, he was appointed commissioner to treat of peace with England. Returning to the United States, he was a delegate from Braintree in the convention for framing the constitution of this commonwealth, in 1780. At the latter end of the same year, he again went abroad, in the diplomatic service of the country, and was employed at various courts, and occupied with various negotiations, until 1788. The particulars of these interesting and important services this occasion does not allow time to relate. In 1782, he concluded our first treaty with Holland. His negotiations with that republic, his efforts to persuade the states-general to recognize our independence, his incessant and indefatigable exertions to represent the American cause favourably, on the continent, and to counteract the designs of its enemies, open and secret; and his successful undertaking to obtain loans, on the credit of a nation yet new and unknown, are among his most arduous, most useful, most honourable services. It was his fortune to bear a part in the negotiation for peace with England; and in something more than six years from the declaration which he had so strenuously supported, he had the satisfaction to see the minister plenipotentiary of the crown subscribe to the instrument which declared, that his "Britannic Majesty acknowledged the United States to be free, sovereign, and independent." In these important transactions, Mr. Adams' conduct received the marked approbation of congress, and of the country.

While abroad, in 1787, he published his *Defence of the American Constitutions*; a work of merit and ability, though composed with haste, on the spur of a particular occasion, in the midst of other occupations, and under circumstances not admitting of careful revision. The immediate object of the work was to counteract the weight of opinions advanced by several popular European writers of that day, M. Turgot, the Abbe de Mably, and Dr. Price, at a time when the people of the United States were employed in forming and revising their systems of government.

Returning to the United States in 1788, he found the new government about going into operation, and was himself elected the first vice-president, a situation which he filled with reputation for eight years, at the expiration of which he was raised to the presidential chair, as immediate successor to the immortal Washington. In this high station he was succeeded by Mr. Jefferson, after a memorable controversy, between their respective friends, in 1801; and from that period his manner of life has been known to all who hear me. He has lived, for five and twenty years, with every enjoyment that could render old age happy. Not inattentive to the occurrences of the times, political cares have yet not materially, or

tongue. His learning and his openness of disposition did nothing to ensure his second election. The tide of party was not to be stemmed by learning and

for any long time, disturbed his repose. In 1820, he acted as elector of president and vice-president, and in the same year we saw him, then at the age of eighty-five, a member of the convention of this commonwealth, called to revise the constitution. Forty years before, he had been one of those who formed that constitution; and he had now the pleasure of witnessing that there was little which the people desired to change. Possessing all his faculties to the end of his long life, with an unabated love of reading and contemplation, in the centre of interesting circles of friendship and affection, he was blessed, in his retirement, with whatever of repose and felicity the condition of man allows. He had, also, other enjoyments. He saw around him that prosperity and general happiness, which had been the object of his public cares and labours. No man ever beheld more clearly, and for a longer time, the great and beneficial effects of the services rendered by himself to his country. That liberty which he so early defended, that independence of which he was so able an advocate and supporter, he saw, we trust, firmly and securely established. The population of the country thickened around him faster, and extended wider, than his own sanguine predictions had anticipated; and the wealth, respectability, and power of the nation, sprang up to a magnitude, which it is quite impossible he could have expected to witness, in his day. He lived, also, to behold those principles of civil freedom, which had been developed, established, and practically applied in America, attract attention, command respect, and awaken imitation, in other regions of the globe: and well might, and well did he, exclaim, "Where will the consequences of the American revolution end!"

If any thing yet remain to fill this cup of happiness, let it be added, that he lived to see a great and intelligent people bestow the highest honour in their gift, where he had bestowed his own kindest parental affections, and lodged his fondest hopes. Thus honoured in life, thus happy at death, he saw the jubilee, and he died; and with the last prayers which trembled on his lips, was the fervent supplication for his country, "independence for ever."

Mr. Jefferson, having been occupied in the years 1778 and 1779, in the important service of revising the laws of Virginia, was elected governor of that state, as successor to Patrick Henry, and held the situation when the state was invaded by the British arms. In 1781, he published his Notes on Virginia, a work which attracted attention in Europe as well as America, dispelled many misconceptions respecting this continent, and gave its author a place among men distinguished for science. In November, 1783, he again took his seat in the continental congress, but in the May following was appointed minister plenipotentiary, to act abroad, in the negotiation of commercial treaties, with Dr. Franklin and Mr. Adams. He proceeded to France, in execution of this mission, embarking at Boston; and that was the only occasion on which he ever visited this place. In 1785, he was appointed minister to France, the duties of which situation he continued to perform, until October, 1789, when he obtained leave to retire, just on the eve of that tremendous revolution which has so much agitated the world, in our times. Mr. Jefferson's discharge of his diplomatic duties was marked by great ability, diligence, and patriotism; and while he resided at Paris, in one of the most interesting periods, his character for intelligence, his love of knowledge, and of the society of learned men, distinguished him in the highest circles of the French capital. No court in Europe had, at that time, in Paris, a representative commanding or enjoying higher regard for political knowledge or for general attainment, than the minister of this then infant republic. Immediately on his return to his native country, at the organization of the government under the present constitution, his talents and experience recommended him to President Washington, for the first office in his gift. He was placed at the head of the department of state. In this situation, also, he manifested conspicuous ability. His correspondence with the ministers of other powers residing here, and his instructions to our own diplomatic agents abroad, are among our ablest state papers. A thorough knowledge of the laws and usages of nations, perfect acquaintance with the immediate subject before him, great felicity,

enlarged views. General Jackson was elected by a large majority.

In the year 1828, congress made provision, by law

and still greater facility, in writing, show themselves in whatever effort his official situation called on him to make. It is believed by competent judges, that the diplomatic intercourse of the government of the United States, from the first meeting of the continental congress, in 1774, to the present time, taken together, would not suffer, in respect to the talent with which it has been conducted, by comparison with any thing which other and older states can produce; and to the attainment of this respectability and distinction, Mr. Jefferson has contributed his full part.

On the retirement of General Washington from the presidency, and the election of Mr. Adams to that office, in 1797, he was chosen vice-president. While presiding, in this capacity, over the deliberations of the senate, he compiled and published a Manual of Parliamentary Practice, a work of more labour and more merit, than is indicated by its size. It is now received as the general standard by which proceedings are regulated, not only in both houses of congress, but in most of the other legislative bodies in the country. In 1801, he was elected president, in opposition to Mr. Adams, and re-elected in 1805, by a vote approaching towards unanimity.

From the time of his final retirement from public life, in 1807, Mr. Jefferson lived as became a wise man. Surrounded by affectionate friends, his ardour in the pursuit of knowledge undiminished, with uncommon health, and unbroken spirits, he was able to enjoy largely the rational pleasures of life, and to partake in that public prosperity, which he had so much contributed to produce. His kindness and hospitality, the charm of his conversation, the ease of his manners, the extent of his acquirements, and especially the full store of revolutionary incidents, which he possessed, and which he knew when and how to dispense, rendered his abode in a high degree attractive to his admiring countrymen, while his high public and scientific character drew towards him every intelligent and educated traveller from abroad. Both Mr. Adams and Mr. Jefferson had the pleasure of knowing that the respect, which they so largely received, was not paid to their official stations. They were not men made great by office; but great men, on whom the country, for its own benefit, had conferred office. There was that in them, which office did not give, and which the relinquishment of office did not, and could not take away. In their retirement, in the midst of their fellow-citizens, themselves private citizens, they enjoyed as high regard and esteem, as when filling the most important places of public trust.

There remained to Mr. Jefferson yet one other work of patriotism and beneficence, the establishment of a university in his native state. To this object he devoted years of incessant and anxious attention, and by the enlightened liberality of the legislature of Virginia, and the co-operation of other able and zealous friends, he lived to see it accomplished. May all success attend this infant seminary; and may those who enjoy its advantages, as often as their eyes shall rest on the neighbouring height, recollect what they owe to their disinterested and indefatigable benefactor; and may letters honour him who thus laboured in the cause of letters.

Thus useful, and thus respected, passed the old age of Thomas Jefferson. But time was on its ever-ceaseless wing, and was now bringing the last hour of this illustrious man. He saw its approach, with undisturbed serenity. He counted the moments, as they passed, and beheld that his last sands were falling. That day, too, was at hand, which he had helped to make immortal. One wish, one hope—if it were not presumptuous—beat in his fainting breast. Could it be so—might it please God—he would desire, once more, to see the sun—once more to look abroad on the scene around him, on the great day of liberty. Heaven, in its mercy, fulfilled that prayer. He saw that sun—he enjoyed its sacred light—he thanked God for this mercy, and bowed his aged head to the grave. "*Felix, non vito tantum claritate, sed etiam opportunitate mortis.*"

The last public labour of Mr. Jefferson naturally suggests the expression of the high praise which is due, both to him and to Mr. Adams, for their uniform and zealous attachment to learning, and to the cause of general knowledge. Of the advantages of learning, indeed, and of literary accomplishments, their own characters were

for certain officers of the revolutionary army. The debt of justice had been long delayed. Thousands had descended to the grave in poverty, with com-

striking recommendations and illustrations. They were scholars, ripe and good scholars; widely acquainted with ancient, as well as modern literature, and not altogether uninstructed in the deeper sciences. Their acquirements, doubtless, were different, and so were the particular objects of their literary pursuits; as their tastes and characters, in these respects, differed like those of other men. Being, also, men of busy lives, with great objects, requiring action, constantly before them, their attainments in letters did not become showy, or obtrusive. Yet, I would hazard the opinion, that if we could now ascertain all the causes which gave them eminence and distinction, in the midst of the great men with whom they acted, we should find, not among the least, their early acquisition in literature, the resources which it furnished, the promptitude and facility which it communicated, and the wide field it opened, for analogy and illustration; giving them, thus, on every subject, a larger view, and a broader range, as well for discussion as for the government of their own conduct.

Literature sometimes, and pretensions to it much oftener, disgusts, by appearing to hang loosely on the character, like something foreign or extraneous, not a part, but an ill-adjusted appendage; or by seeming to overload and weigh it down, by its unsightly bulk, like the productions of bad taste in architecture, where there is massy and cumbrous ornament, without strength or solidity of column. This has exposed learning, and especially classical learning, to reproach. Men have seen that it might exist, without mental superiority, without vigour, without good taste, and without utility. But, in such cases, classical learning has only not inspired natural talent; or, at most, it has but made original feebleness of intellect, and natural bluntness of perception, something more conspicuous. The question, after all, if it be a question, is, whether literature, ancient as well as modern, does not assist a good understanding, improve natural good taste, add polished armour to native strength, and render its possessor not only more capable of deriving private happiness from contemplation and reflection, but more accomplished, also, for action, in the affairs of life, and especially for public action? Those whose memories we now honour, were learned men; but their learning was kept in its proper place, and made subservient to the uses and objects of life. They were scholars not common, nor superficial; but their scholarship was so in keeping with their character, so blended and inwrought, that careless observers, or bad judges, not seeing an ostentatious display of it, might infer that it did not exist; forgetting, or not knowing, that classical learning, in men who act in conspicuous public stations, perform duties which exercise the faculty of writing, or address popular, deliberative, or judicial bodies, is often felt, where it is little seen, and sometimes felt more effectually, because it is not seen at all.

But the cause of knowledge, in a more enlarged sense, the cause of general knowledge and of popular education, had no warmer friends, nor more powerful advocates, than Mr. Adams and Mr. Jefferson. On this foundation, they knew, the whole republican system rested; and this great and all-important truth they strove to impress, by all the means in their power. In the early publication, already referred to, Mr. Adams expresses the strong and just sentiment, that the education of the poor is more important, even to the rich themselves, than all their own riches. On this great truth, indeed, is founded that unrivalled, that invaluable political and moral institution, our own blessing, and the glory of our fathers, the New England system of free schools.

As the promotion of knowledge had been the object of their regard through life, so these great men made it the subject of their testamentary bounty. Mr. Jefferson is understood to have bequeathed his library to the university, and that of Mr. Adams is bestowed on the inhabitants of Quincy.

Mr. Adams and Mr. Jefferson, fellow-citizens, were successively presidents of the United States. The comparative merits of their respective administrations for a long time agitated and divided public opinion. They were rivals, each supported by numerous and powerful portions of the people, for the highest office. This

plaints on their lips against the rulers of the land. All the wise, patriotic, and eloquent of both houses of congress, were on the side of the veteran soldiers

contest, partly the cause, and partly the consequence, of the long existence of two great political parties in the country, is now part of the history of our government. We may naturally regret, that any thing should have occurred to create difference and discord, between those who had acted harmoniously and efficiently in the great concerns of the revolution. But this is not the time, nor this the occasion, for entering into the grounds of that difference, or for attempting to discuss the merits of the questions which it involves. As practical questions, they were canvassed, when the measures which they regarded were acted on and adopted; and as belonging to history, the time has not come for their consideration.

It is, perhaps, not wonderful, that when the constitution of the United States went first into operation, different opinions should be entertained, as to the extent of the powers conferred by it. Here was a natural source of diversity of sentiment. It is still less wonderful, that that event, about contemporary with our government, under the present constitution, which so entirely shocked all Europe, and disturbed our relations with her leading powers, should be thought, by different men, to have different bearings on our own prosperity; and that the early measures adopted by our government, in consequence of this new state of things, should be seen in opposite lights. It is for the future historian, when what now remains of prejudice and misconception shall have passed away, to state these different opinions, and pronounce impartial judgment. In the meantime, all good men rejoice, and well may rejoice, that the sharpest differences sprung out of measures, which, whether right or wrong, have ceased with the exigencies that gave them birth, and have left no permanent effect, either on the constitution, or on the general prosperity of the country. This remark, I am aware, may be supposed to have its exception, in one measure, the alteration of the constitution as to the mode of choosing president; but it is true, in its general application. Thus the course of policy pursued towards France, in 1798, on the one hand, and the measures of commercial restriction, commenced in 1867, on the other, both subjects of warm and severe opposition, have passed away, and left nothing behind them. They were temporary, and whether wise or unwise, their consequences were limited to their respective occasions. It is equally clear, at the same time, and it is equally gratifying, that those measures of both administrations, which were of durable importance, and which drew after them interesting and long remaining consequences, have received general approbation. Such was the organization, or rather the creation, of the navy, in the administration of Mr. Adams; such the acquisition of Louisiana, in that of Mr. Jefferson. The country, it may safely be added, is not likely to be willing either to approve, or to reprobate, indiscriminately, and in the aggregate, all the measures of either, or of any administration. The dictate of reason and of justice is, that, holding each one his own sentiments on the points in difference, we imitate the great men themselves, in the forbearance and moderation which they have cherished, and in the mutual respect and kindness which they have been so much inclined to feel and to reciprocate.

No men, fellow-citizens, ever served their country with more entire exemption from every imputation of selfish and mercenary motive, than those to whose memory we are paying these proofs of respect. A suspicion of any disposition to enrich themselves, or to profit by their public employments, never rested on either. No sordid motive approached them. The inheritance which they have left to their children, is of their character and their fame. Fellow-citizens, I will detain you no longer by this faint and feeble tribute to the memory of the illustrious dead. Even in other hands, adequate justice could not be performed, within the limits of this occasion. Their highest, their best praise, is your deep conviction of their merits, your affectionate gratitude for their labours and services. It is not my voice, it is this cessation of ordinary pursuits, this arresting of all attention, these solemn ceremonies, and this crowded house, which speak their eulogy. Their fame, indeed, is safe. That is now treasured up, beyond the reach of accident. Although no sculptured marble should rise to their memory, nor

Strong arguments were used in their cause. The chairman of the committee which reported the bill, made the following forcible remarks :—

"Mr. President, (said he,) it has become my duty, sir, as Chairman of the Committee who reported this bill, to explain the origin and character of it. I regret that this duty has not devolved upon some abler representative of the interests of the petitioners; but I regret it the less as my colleagues on the committee possess every quality of both the head and heart to advance those interests, and will no doubt, hereafter, be seconded by an indulgent attention on the part of the senate.

"Who, then, sir, are the venerable men that knock at your door? and for what do they ask? They are not suppliants for mere favour or charity, though we all know that nothing but the proud spirit which helped to sustain them through the distresses of our revolution, has withheld most of them from reliance for daily bread on the alms provided by the present pension act. No, sir, they come as petitioners for their rights. They come as the remnant of that gallant band, who enlisted your continental army, who disciplined its ranks, who planned its enterprises, and led the way to victory and independence. Confiding in the plighted faith of Congress, given in the

form of a solemn compact, they adhered to your cause through evil report and good report, till the great drama closed; and they now ask only that the faith so plighted may be redeemed. Amid the wrecks from time and disease, during almost half a century, short of two hundred and fifty now survive, out of two thousand four hundred and eighty, who existed at the close of the war. Even this small number is falling fast around us, as the leaves of autumn; and this very morning a gentleman before me has communicated the information, that another of the most faithful among them has just passed 'that bourne whence no traveller returns.' It behooves us, then, if we now conclude, in our prosperity and greatness, to extend relief, either from charity, gratitude, or justice, to do it quickly.

"My great anxiety is, in the outset, to prevent any misapprehension of the true grounds on which the appropriation is founded. Throughout the whole inquiry, there is no disposition to censure the motives or policy of the old Congress. They adopted such measures as the exigencies and necessities of the times forced upon them; and now, when those exigencies have ceased, it is just, as well as generous, to give such relief as the nature of the case may demand.

engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honoured. Marble columns may, indeed, moulder into dust, time may erase all impress from the crumbling stone, but their fame remains; for with AMERICAN LIBERTY it rose, and with AMERICAN LIBERTY ONLY can it perish. It was the last swelling peal of yonder choir, "THEIR BODIES ARE BURIED IN PEACE, BUT THEIR NAME LIVETH EVERMORE." I catch that solemn song, I echo that lofty strain of funeral triumph, "THEIR NAME LIVETH EVERMORE."

And now, fellow-citizens, let us not retire from this occasion, without a deep and solemn conviction of the duties which have devolved upon us. This lovely land, this glorious liberty, these benign institutions, the dear purchase of our fathers, are ours; ours to enjoy, ours to preserve, ours to transmit. Generations past, and generations to come, hold us responsible for this sacred trust. Our fathers, from behind, admonish us, with their anxious paternal voices, posterity calls out to us, from the bosom of the future, the world turns hither its solicitous eyes—all, all conjure us to act wisely, and faithfully, in the relation which we sustain. We can never, indeed, pay the debt which is upon us; but by virtue, by morality, by religion, by the cultivation of every good principle and every good habit, we may hope to enjoy the blessing, through our day, and to leave it unimpaired to our children. Let us feel deeply how much of what we are and of what we possess, we owe to this liberty, and these institutions of government. Nature has, indeed, given us a soil, which yields bounteously to the hands of industry; the mighty and fruitful ocean is before us, and the skies over our heads shed health and vigour. But what are lands, and seas, and skies, to civilized man, without society, without knowledge, without morals, without religious culture; and how can these be enjoyed, in all their extent, and all their excellence, but under the protection of wise institutions and a free government? Fellow-citizens, there is not one of us, there is not one of us here present, who does not, at this moment, and at every moment, experience, in his own condition, and in the condition of those most near and dear to him, the influence and the benefits of this liberty, and these institutions. Let us then acknowledge the blessing, let us feel it deeply and pow-

erfully, let us cherish a strong affection for it, and resolve to maintain and perpetuate it. The blood of our fathers, let it not have been shed in vain; the great hope of posterity, let it not be blasted.

The striking attitude, too, in which we stand to the world around us, a topic to which, I fear, I advert too often, and dwell on too long, can not be altogether omitted here. Neither individuals nor nations can perform their part well, until they understand and feel its importance, and comprehend and justly appreciate all the duties belonging to it. It is not to inflate national vanity, nor to swell a light and empty feeling of self-importance; but it is that we may judge justly of our situation, and of our own duties, that I earnestly urge this consideration of our position, and our character, among the nations of the earth. It can not be denied, but by those who would dispute against the sun, that with America, and in America, a new era commences in human affairs. This era is distinguished by free representative governments, by entire religious liberty, by improved systems of national intercourse, by a newly awakened and an unconquerable spirit of free inquiry, and by a diffusion of knowledge through the community, such as has been before altogether unknown and unheard of. America, America, our country, fellow-citizens, our own dear and native land, is inseparably connected, fast bound up, in fortune and by fate, with these great interests. If they fall, we fall with them; if they stand, it will be because we have upholden them. Let us contemplate, then, this connexion, which binds the prosperity of others to our own; and let us manfully discharge all the duties which it imposes. If we cherish the virtues and the principles of our fathers, Heaven will assist us to carry on the work of human liberty and human happiness. Auspicious omens cheer us. Great examples are before us. Our own firmament now shines brightly upon our path. Washington is in the clear upper sky. Those other stars have now joined the American constellation; they circle round their centre, and the heavens beam with new light. Beneath this illumination, let us walk the course of life, and at its close devoutly commend our beloved country, the common parent of us all, to the Divine Benignity.—*Webster's Eulogy on Adams and Jefferson, delivered at Boston, August 2, 1826.*

"A very great obstacle to the success of this measure heretofore, has been a prevalent opinion, that these petitioners are seeking compensation merely for losses sustained on the depreciation of continental money and certificates received for their monthly wages; whereas, from their first memorial in A. D. 1810, to the present session, they have invariably rested on the non-performance, by Congress, of a distinct and independent contract. All the losses on their monthly wages, they bore in common, and are willing to forego in common with many in the walks of civil life, and with the brave soldiers under their command. This is the plain and decisive reason why none but officers are embraced in the present bill. The contract on which they rely, was made with the officers alone; and gallant and unfortunate as were the soldiers, the officers have endured, and will continue to endure, without repining, still severer sufferings from the worthless money and certificates received for their wages; because those losses were perhaps too large, and too general in all departments of life, ever to warrant the expectation, or practicability, of complete remuneration. I have said severer sufferings on this account by the officers; because the money received for wages before A. D. 1780, worth only one dollar in the hundred, was, to the officers, the only means to purchase camp equipage and clothing, that were furnished to the soldiers out of the public arsenals; and because the soldier often received besides liberal bounties both at home and from Congress.

"Let it then be distinctly understood, that notwithstanding this disparity against the officers, no such losses or depreciations form any part of the foundation for this bill. A moment's attention to the history of that period, will show the true ground of the appropriation. After this unequal pressure had continued nearly three years—after the officers had sustained their spirits during that trying period under such disadvantages, by the force of those principles that led them at first to join in the pledge to the cause, of 'their lives, their fortunes, and their sacred honour;' after their private resources had become nearly exhausted in supplying those wants their country was unable rather than unwilling to satisfy, there arose a state of things which led to certain proceedings by congress in relation to half pay.

"The prospect had nearly vanished, that any honourable accommodation could be effected with the parent country. The contest seemed likely to become more severe, and to be protracted for many years; and it was obvious that many of the officers, thus impoverished and disheartened, must actually

resign in order to provide themselves with decent clothing, and to maintain their families, and secure any subsistence for advanced life, or that they must receive some assurance of future indemnity, if they continued in service, and abandoned every thing else to sink or swim with the military destinies of their country.

"It was then that the resolve of May 15th, 1778, granting half-pay, for only seven years, to all who continued in service till the close of the war, was passed.

"This short period of half-pay was dictated, rather by the wants of congress to provide a longer one, than from an impression that it was, in truth, sufficient, or in accordance with any similar system in the armies of Europe. Hence, a committee, May 24th, 1779, reported a resolution, allowing half-pay for life to the same class of officers, and justly grounded it on the great risks they were called to encounter, on their great sufferings and sacrifices of youth, ease, health, and fortune, in the cause of their country. But the want of resources in congress, induced them to postpone this subject, and on the 17th of August, 1779, to urge upon the respective states the expediency of adopting such a resolution, and of pledging for its fulfilment their state resources. The power of the states over those resources, was much more effective than that of the confederation over the states. But such were the general gloom and despondency of the times, that not a single state, except Pennsylvania, complied with the recommendation. The currency continued to depreciate more and more, daily; the officers, in many instances, were utterly unable, by their whole pay, to procure decent apparel: treason had penetrated the camp in the person of Arnold: Charleston had been surrendered: Lincoln captured: Gates defeated at Camden: the Southern states overrun by Cornwallis: our soldiery had become discouraged; and the great military leader of the revolution had become convinced, and had urged, with his usual energy, upon congress, that the adoption of this resolution was almost the only possible method of retaining the army together. Under such appalling circumstances, congress passed, on the 24th of October, A. D. 1780, the resolution, which I will now take the liberty to read:

"Resolved, That the officers who shall continue in the service to the end of the war, shall also be entitled to half-pay during life; to commence from the time of their reduction.' (1 U. S. Laws, 688.)

"This, with one or two subsequent resolutions, explaining and modifying its provisions as to particular persons, constitutes the great foundation of the

bill under consideration. The promise was most solemnly and deliberately made: the consideration for it was ample, and most honourably performed by the officers: and yet, on the part of congress, its stipulations have, in my opinion, never, to this day, been equitably fulfilled. As to the binding effect of the compact on congress, nobody can pretend to doubt. I shall, therefore, not waste a single moment in the discussion of that point. But I admit that the officers were first bound to perform the condition faithfully, of serving to the close of the war, however long or disastrous. Did they do it? History and tradition must convince all, that through defeat as well as victory, they clung to our fortunes to the uttermost moment of the struggle. They were actuated by a spirit and intelligence, the surest guarantees of such fidelity. Most of them had investigated, and well understood, the principles in dispute, and to defend them, had flown to the field of battle on the first alarm of war, with all the ardour of a Scottish gathering, at the summons of the fiery cross. And it is not poetry, that one of my own relatives, an officer, long since no more, when the alarm was given at Lexington, left for the tented field, the corpse of his father unburied;

‘One look he cast upon the bier,
Dashed from his eye the gathering tear,’

and hastened to devote his own life to the salvation of his country. In the same duty—in performing their part of the compact, to serve faithfully to the close of the war, these petitioners endured the frosts of winter, often half sheltered, badly fed, badly clothed, and badly paid. God forbid that I should exaggerate. The naked truth is stronger than any colouring of fancy. We have the authority of their commander, that they were, at times, in such a condition as to be unable and ashamed to receive their friends; but never, I believe, loath to face their enemies. Their paths were sometimes marked by their blood—their courage and constancy tried by frequent alarms, by ambuscade, and the pitched battle; but they never faltered: and when, towards the close of the war, neglect on the part of congress, as to their monthly wages, might have justified, under most circumstances, disquiet and distrust; and when at Newburg they were tempted with the insidious taunt, that if, relinquishing their arms and retiring home with the promises made to them unfulfilled, they would ‘go, starve, and be forgotten;’ yet they disbanded in peace, and expressed their ‘unshaken confidence in the justice of congress.’

“Washington, himself, declared in substance, that by means of this resolve the officers were inspired to

make renewed exertions; to feel a security for themselves and families, which enabled them to devote every faculty to the common cause; and that thus was an army kept together, which otherwise must have dissolved, and we probably have been compelled to pass again under the yoke of colonial servitude.

“For all this fidelity to the performance of their part of the compact, the officers have been duly thanked by many congresses, and applauded by the world. They have occupied a conspicuous niche in toasts, odes, and orations, and some of them have animated the canvass and breathed in marble.

“But has the promise to them of half-pay ever been either literally or substantially fulfilled? That, sir, is the important question. I answer not literally, by any pretence, from any quarter. No half-pay, as such, has ever, for any length of time, been either paid or provided for one of the petitioners. Almost as little, sir, can there be a pretence that it has been substantially fulfilled. No kind of fulfilment has been attempted, except in the commutation act, passed March 22d, 1783.

“That act grew out of objections, in some of the states, to the system of half-pay as a system, because not strictly republican in theory, and because every thing of a pension character had become odious by its abuse in some governments, in the maintenance of hirelings who had performed secret and disreputable service.

“Some of the officers being anxious to remove any formal objection, petitioned congress for a commutation or change in the mode of indemnifying and rewarding them. No opposition had been made to the amount or value of the half-pay, and therefore, as appears in the commutation act itself, the officers expected, if a change took place, a full ‘equivalent’ in value to the half-pay for life.

“But instead of such an equivalent, congress gave, by that act, what was far short of an equivalent, whether we regard the particular ages at that time of these petitioners, or their average age with the other officers, or the period they have actually since lived. Congress gave only five years’ full pay to the youngest in the line, and just as much to the eldest; treating the officer of twenty-five, as not likely to live any longer than him of seventy; and subjecting the former to take for his half-pay, which he was entitled to for his whole life, of probably thirty-five years, the same small sum bestowed on him not likely to live ten or fourteen years.

“If we look to the average age of all the officers at that time, the commutation was still inadequate. That age was probably not over thirty; none have pretend-

ed to consider it over thirty-five ; and on all observations, in similar climates, and all calculations of annuity tables, such persons' lives would be likely to extend beyond thirty years, and thus their half-pay for life be, on an average, worth the gross sum, *in presenti*, of at least seven years' full pay. Any gentleman can test the general accuracy of these results, by a reference to Price's Annuity Tables, and to Milne on Annuities. In England, Sweden, and France, it will be seen that a person of thirty years of age is ascertained to be likely to live thirty-four more ; and of thirty-five years of age, to live about twenty-eight more. An annuity for thirty-four years is worth a fraction more than fourteen times its annual amount, if paid in a gross sum in advance ; and one, for twenty-eight years, only a fraction less than fourteen times its annual amount. So that seven years' full pay is as near a fair commutation for the half-pay for life, taking their average ages, as can well be calculated, or as is necessary for the present inquiry.

"Again : If we advert to the real facts, as since developed, these petitioners, had the commutation act not passed, or not been at all binding, would now receive twenty-two, instead of five years' full pay, as they have survived, since the close of the war, over forty-four years.

"Congress, as if conscious that the pressure of the times had driven them to propose a substitute for the half-pay for life, not, in any view, sufficient or equivalent, as regarded the younger officers, who alone now survive and ask for redress, provided in the commutation act, not that each officer might accept or reject it at pleasure, but that it should take effect, if accepted within certain periods, not exceeding six months, by majorities in the several lines of the army. The most influential officers in any line, are of course the elder and superior ones. To these, as a general rule, five years full-pay was a fair equivalent ; and by their exertions the commutation was accepted by majorities in most of the lines, and no provision ever afterwards made for such officers, as were either absent or present, and dissenting.

"No evidence can now be found, however, of any acceptance, even by majorities, in any of the lines, till after the expiration of the six months prescribed. But a report of the secretary of war, dated October 31, 1783, (8 Journals of Congress, 478,) enumerates certain lines and individuals, that had then signified their acceptance. It would be difficult, as might be expected, to find among the individuals named, one who still survives. Those, then, the youngest and now surviving, must have felt deeply the inequality

proposed ; and if most of them had not been absent on furlough, by a resolve of congress, after peace was expected, probably even majorities in the lines would never have been obtained. The certificates were made out for all, without application, and left with the agents ; no other provision was made for those entitled to half-pay, and it remained with the younger officers to receive those certificates or nothing.

"But it is most manifest, that congress had no legal right to take away from a single officer his vested half-pay for life, without giving him a full equivalent ; or, to say the least, what the officer should freely and distinctly assent to, as a full equivalent. It would be contrary to the elementary principles of legislation and jurisprudence : and a majority of the lines could no more bind the minority on this subject of private rights of property, than they could bind congress, or the states, on questions of politics. This point need not be argued to men, who, like those around me, have watched the discussions and decisions in this country the last quarter of a century. But no such individual assent was asked here : it was indeed declared to be useless for any minority of individuals to dissent ; the commutation not having been, in any view, a full equivalent, individual assent cannot fairly be presumed. The subsequent taking of the certificates was merely taking all that was provided, and all they could get, without any pretence that they took it as a full and fair equivalent. And hence it follows, that, on the lowest computation, two years more full pay are necessary to make any thing like a substantial fulfilment of the compact on the part of congress. In truth, twenty years more would be less than the petitioners could rightfully claim now, if the commutation act had never passed ; or if the position was clearly established that the commutation act, as to them, was, under the circumstances, entirely null and void. To say that such a transaction, resorted to under the pressure of the times, and finding no apology except in the security and necessities of that pressure, should not be relieved against when the pressure is over, and our means have become ample, is to make a mockery of justice, and to profane every principle of good faith.

"But consider a little farther the history of these proceedings, on the supposition that the five years full-pay was an ample equivalent to all. Was it either paid or secured to them in such manner as to become any thing like a substantial fulfilment of the promise ? Though the act allowed congress to give the officers money or securities, and though these last might be in the form prescribed for other creditors, yet the act contemplated giving them money or

money's worth, else it doubly violated the former engagement to give them half-pay for life. The very nature of half-pay, or of any commutation for it, implies that it should be actually paid, or so secured as to raise the money whenever it becomes due. They were here intended as means for immediate maintenance or business to those who, by peace, would be thrown out of their accustomed employment and support. This is too plain for further illustration; and, in conformity with these views, congress forthwith effected a loan in Europe, and paid in money all the foreign officers entitled to the commutation. But how were the petitioners treated? They did not obtain a dollar in money, and even their certificates were not delivered till six or nine months after their right to half-pay accrued; and when received, so far from being secured by pledges or requisitions rendering them valuable as money, the officers could not obtain for them in the market over one fifth of their nominal amount. The receipts given for these certificates truly omitted to state that they were in full payment, of either the commutation or the half-pay. By such means these petitioners, to supply the then existing wants of themselves and families, which was the legitimate object of both the half-pay and its commutation, in fact realized only one, instead of five years' full-pay; or only two years' half-pay instead of half-pay for life.

"If this was a substantial fulfilment of the promise to them, I think it would be difficult to define what would have been a defective, delusive, and unsubstantial fulfilment. But it has been suggested, that the petitioners might all have retained their certificates till afterwards funded, and in that event have escaped loss. Can gentlemen, however, forget that the very design of half-pay was to furnish food and raiment, and not a fund to be deposited in bank for posterity? And that, though the use of a portion of it, if all had been paid at once, might have been postponed to a future period, yet their necessities utterly forbade most of them from not resorting, forthwith, to a single year's pay, which was the entire value of the whole certificate. It is another part of the distressing history of this case, that if, on the contrary, every officer had retained his certificate till funded, his loss on it would have been very near one third of its amount. But on this point I shall not dwell, as its particulars are more recent and familiar. It will suffice to call to your minds, that the provision made for the payment of these certificates in A. D. 1790, was not by money, nor virtually to their full amount, but by opening a loan, payable in those certificates, and a scrip of stock given for them on these

terms: one third of the principal was to draw no interest whatever, for ten years; and all the interest then due, was to draw thereafter only three per cent. Without going into any calculations of the value of different kinds of stock, under different circumstances, it is obvious that such a payment or security was not worth so much by nearly a third, as the money would have been worth, or as scrip would have been worth for the whole then due on six per cent. interest.

"It is true that this loan was, in form, voluntary; but it is equally true, that, as no other provision was made for payment, no alternative remained but to accept the terms. Hence, if the officer sold his certificate from necessity, he obtained only one fifth of the amount therein promised: or, if he retained it, he obtained only about two thirds of that amount.

"What renders this circumstance still more striking, we ourselves have in this way saved, and reduced our national debt below what it would have been, many millions of dollars—from eighteen to fifteen, I believe; and yet, now, in our prosperity, hesitate to restore what was taken in part from these very men, and when not from them, taken from others on account of their speculations on these very men, and their associates in arms. It was at the time of the funding thought just, and attempted by some of our ablest statesmen, to provide some retribution to the original holders of certificates for the losses that had been sustained on them—to provide in some way a partial restoration. But the inherent difficulty of the subject, and the low state of our resources, prevented us from completing any such arrangement, though we were not prevented from saving to the government, out of these very certificates, and similar ones, ten times the amount now proposed for these petitioners.

"On this state of facts, then, I hold these conclusions: that what is honest, and moral, and honourable, between debtor and creditor in private life, is so in public life. That a creditor of the public should be treated with at least equal, if not greater kindness, than the creditor of an individual. That when the embarrassments of a debtor give rise to a mode of payment altogether inadequate to what is justly due, and this kind of payment is forced upon the creditor, by the necessities of either party, the debtor ought, when relieved from his embarrassments or necessities, to make ample restitution. That it is the dictate of every moral and honourable feeling to supply the deficiency; and especially, should the debtor do this where the inadequacy was more than four fifths of the whole debt; where the debtor, by a part of the arrangement, saved millions to contribute to

his present prosperity, and where the debt itself was, as in the present case, the price of blood lavished for the creditor, the wages of those sufferings and toils which secured our present liberties, and fill the brightest page of glory in our country's history. The great military leader of the revolution has given his sanction to this measure, in the strongest terms, when calling to mind the lion hearts, and eagle eyes, that had surrounded and sustained him in all his arduous trials, and reflecting that they, not soldiers by profession, nor adventurers, but citizens, with tender ties of kindred and friendship, and with cheering prospects in civil life, had abandoned all to follow him, and to sink or swim with the sacred cause in which he had enlisted, he invoked towards them the justice of his country, and expressed the fullest confidence, that 'a country rescued by their arms, will never leave unpaid the debt of gratitude.'

"It is not to be forgotten, that a measure like this would remove a stain from our history. Its moral influence on our population, in future wars, for wars we must expect, again and again: its consonance with those religious, as well as moral principles of perfect justice, which, in a republic, are the anchor and salvation of all that is valuable; its freedom, I trust, from political prejudice and party feeling, all strengthen the other reasons for its speedy adoption.

"Nor have the imputations against it as a local measure, been at all well founded. What is right or just in regard to contracts, is right without regard to the residence of individuals, whether in the east, the west, or the south. But independent of that consideration, these venerable worthies, though once much more numerous at the north than elsewhere, have since followed the enterprises of their children, and pushed their own broken fortunes to every section of the union. It is impossible to obtain perfect accuracy as to their numbers and residence. But by correspondence and verbal inquiries it is ascertained, that four or five survive in New Hampshire; from thirty to thirty-five in Massachusetts and Maine; five or six in Rhode Island; five in Vermont; sixteen in Connecticut; twenty in New York; twelve in New Jersey; eighteen in Pennsylvania; three in Delaware; twelve in Maryland; thirty-three to thirty-eight in Virginia and Kentucky; ten to twelve in Ohio; twelve or fifteen in the Carolinas; and five or six in Georgia. As by the annuity tables, something like two hundred and fifty ought now to be alive, the computations have been made on a medium of two hundred and thirty, between the number ascertained and the conjectural number.

"The question, then, is of a general public nature,

and presents the single point, whether, in the late language of an eloquent statesman of New York, these veterans shall any longer remain 'living monuments of the neglect of their country.'

"All the foreign officers, whose claims rested on the same resolve, were, as I have before stated, promptly paid in specie; and their illustrious leader, Lafayette, by whose side these petitioners faced equal toils and dangers, has been since loaded with both money and applause. Even the Tories, who deserted the American cause, and adhered to one so much less holy and pure, have been fully and faithfully rewarded by England: and it now remains with the senate to decide, not whether the sum proposed shall be bestowed in mere charity—however charity may bless both him that gives and him that takes; nor in mere gratitude—however sensible the petitioners may be to the influence of either; but whether, let these considerations operate as they may, the officers should be remunerated for their losses, on those broad principles of eternal justice which are the cement of society, and which, without a wound to their delicacy and honest pride, will, in that event, prove the solace and staff of their declining years.

"I shall detain the senate no longer, except to offer a few remarks on the computations, on which the sum of one million one hundred thousand dollars is proposed as the proper one for filling the blank. Various estimates, on various hypotheses, are annexed to the report in this case, and others will doubtless occur to different gentlemen. But if any just one amounts to about the sum proposed, no captious objection will, I trust, be offered on account of any trifling difference. It is impossible, in such cases, to attain perfect accuracy; but the estimates are correct enough, probably, for the present purpose.

"The committee have proposed a sum in gross rather than a half-pay or annuity, because more appropriate to the circumstances of the case, and because more acceptable, for the reasons that originally gave rise to the commutation.

"On the ground that these officers were, in 1783, justly entitled to two years more full-pay, as a fair equivalent for half-pay during life; and there being two hundred and thirty of them of the rank supposed in the report, their monthly pay would be about thirty dollars each. This, for two years, would be seven hundred and twenty dollars each; or one hundred and sixty-five thousand six hundred dollars due to these petitioners at the close of the war, over and above what they then received certificates for. The interest on that, for forty-four years, would be four hundred and thirty-seven thousand one hundred and

eighty-four dollars, which, added to the principal, make six hundred and two thousand seven hundred and eighty-four dollars.

"If to that be added what they lost on their certificates by depreciation, which at four fifths was three hundred and thirty-one thousand two hundred dollars, and the sum without any interest, on the depreciation, amounts to nine hundred and thirty-three thousand nine hundred and eighty-four dollars; or, with interest, to more than a million and a half; or, if the depreciation be considered seven eighths, as it really was, the sum would be still larger. On the other hand, if nothing be allowed for depreciation on the certificates, but one third be considered as lost in funding, that one third, in A. D. 1791, would be about two hundred and four thousand two hundred and forty dollars, and interest since would swell it to six hundred and forty-five thousand four hundred and thirty-four dollars, which added to the two years' pay not received, and interest on that pay, makes the whole one million two hundred and forty-eight thousand two hundred and eighteen dollars.

"Another view of the case, which seems to me the most technical, and which steers clear of any difficulty about the loss, either by depreciation or funding, will lead to about the same result as to the amount. It is this. On the ground that seven years' full-pay was the smallest sum which, in A. D. 1783, could be deemed a fair equivalent for the half-pay for life, then the petitioners got certificates for only five sevenths of their half-pay. Or, in other words, five sevenths of their half-pay was extinguished and paid. The other two sevenths, then, has annually accrued since, and will continue to accrue while the petitioners survive. This two sevenths being fifty-one dollars and forty-two cents per year, to each officer, or eleven thousand eight hundred and twenty-six dollars to these officers, would amount at this time to five hundred and twenty thousand three hundred and forty-four dollars; and the interest accruing on it during only thirty-five years, would make it exceed the one million one hundred thousand dollars proposed. The amount is fairly reached by this view of the case, without a single cent for either depreciation or loss in funding, and thus does not indirectly touch a single fact or principle upon which a similar allowance could be made to any body besides these officers. Gallant, and meritorious, and suffering, as were the soldiers, and none could be more so; worthy and affectionate as may have been the surviving widows, and distinguished as may have been many of the officers' heirs, for filial and generous devotion to smooth their declining years; they all stand

on their own cases and merits. None of them have been referred to the committee who reported this bill, and they can all be provided for otherwise, this session, or hereafter, if thought proper. Let the present appropriation be tried first on its own grounds, and then by subsequent amendments of this bill, or by new bills, let an appropriation for other classes of persons be also tried on its own grounds. All I ask and entreat is, that if, either in strict law or in justice, whether grounded upon the original defective commutation, the depreciation of the certificates, or the loss in funding, any member is convinced that the sum proposed to these officers is a fair one, that he will first consider the case of the officers, and support this motion. If any think a different sum more proper, I hope they will propose that sum in due time; and thus let the sense of the senate be fully expressed upon one case at a time, and upon the only case now duly before us. In this manner, only, can any thing ever be accomplished.

"The amount of the sum now proposed, cannot be objected to on the grounds that doubtless caused the losses and sufferings which we are now seeking to redress. The country during the revolution, and at its close, would hardly have been unwilling to bestow twice the amount, had its resources permitted. But, now, such have been our rapid advances in wealth and greatness, by means of the rights and liberties the valour of these men contributed so largely to secure; that the very public land they defended, if not won, yields every year to our treasury more than the whole appropriation. One twentieth of our present annual revenue exceeds it. A fraction of the cost of the public buildings—the expense of two or three ships of the line—one tenth of what has been saved to our national debt in the funding system—a tax of ten cents per head on our population, only a single twelvemonth,—either of them would remove all this reproach.

"But, whatever might be the cost, I would say, in all practicable cases, be just and fear not. Let no illiberal or evasive feeling blast the hopes of these venerable patriots. Much longer delay will do this as effectually as a hard hearted refusal; since the remains of them are almost daily going down to the city of silence. Either drive them, then, at once from your doors, with taunts, and in despair,—or sanction the claim. So far as regards my single self, before I would another year endure the stigma, of either injustice or ingratitude to men like these, I would vote to stop every species of splendid missions: I would cease to talk of Alleghany canals: I would let the capitol crumble to atoms for want of appro-

priations, and introduce retrenchment from the palace to the humblest door-keeper.

"It has formerly been said, that if these officers are relieved, so must be those of the late war. But, deserving as were these last, the cause in which they fought required much inferior sacrifices—they were not contending under the stigma of traitors, liable to the halter—they were liberally and promptly paid; and whatever small depreciation may have existed in the treasury notes taken for their monthly pay, it was infinitely less than the losses sustained by these petitioners on their monthly pay, and for which they neither ask nor expect relief.

"One other consideration, and I will at this time trouble the senate no longer. The long lapse of time since the claim originated has been objected formerly to its success. But what honest individual shelters himself under a statute of limitation, if conscious that his promise has not been substantially fulfilled? Under such circumstances, it is no defence, either in the court of conscience or in a court of honour; and congress have often shown their liberality in waiving it, where expressly provided to bar an application.

"Here no express bar has ever been provided. Before their first application, the officers waited till A. D. 1810, when old age and infirmity rendered them more needy, and when many years of prosperity had rendered their country more able. However numerous, and technical, and evasive, may have been the objections since interposed, let it not be forgotten, that in performing their portion of the compact, however neglected as to food or wages, they never were heard to plead excuses or evasions, however appalling the danger, whether roused by a midnight alarm or invited to join a forlorn hope.

"Like others, too, it may be imputed to them in derogation, that they were 'military chieftains.' But if, as such for a time, they did, like others, nobly help 'to fill the measure of their country's glory;' so, like others of that class, they have often distinguished themselves in forums, cabinets, and halls of legislation.

"Whatever 'honour and gratitude' they have yet received, is deeply engraven on their hearts; but they now also need—and they ask, only because they need, the additional rewards of substantial justice.

"It remains, sir, for us, whose rights they defended and saved, to say whether they shall longer ask that justice in vain."

On the 4th of March, 1829, General Andrew Jackson took the oath of office. His course as a military commander had been wonderfully successful, and in all republics, the military chief-

tain has been held in the highest consideration. He was not bred a statesman, nor had he been considered as a leader in senates; but he was energetic, prompt, and fearless. He was initiated in war on the borders with the Indian tribes, and his name was a terror throughout the nations then hostile or friendly to the United States. His successful defence of New Orleans had excited the admiration and awakened the gratitude of the American people. His inaugural speech was short, and full of promises in the way of reform. "Fellow-citizens, (said he,) about to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion, to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honour they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

"As the instrument of the federal constitution, it will devolve on me, for a stated period, to execute the laws of the United States; to superintend their foreign and their confederate relations; to manage their revenue; to command their forces; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavour to accomplish this circle of duties, it is now proper for me briefly to explain.

In administering the laws of congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honourable terms; and in the adjustment of any difference that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

"In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

"The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours; and

it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt—the unnecessary duration of which is incompatible with real independence—and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the government, is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of congress, for the specific appropriation of public money, and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me, that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favoured; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

“Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

“Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience, which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed, in distant climes, our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dock yards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending: and so long as it is worth defending, a patriotic militia will cover it with an

impenetrable *ægis*. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safe-guard of the country, I shall cheerfully lend all the aid in my power.

“It will be my sincere and constant desire to observe towards the Indian tribes within our limits, a just and liberal policy; and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our government, and the feelings of our people.

“The recent demonstration of public sentiment inscribes, on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of those abuses, that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued, power in unfaithful or incompetent hands.

“In the performance of a task thus generally delineated, I shall endeavour to select men whose diligence and talents will ensure, in their respective stations, able and faithful co-operation—depending, for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

“A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of his divine care and gracious benediction.”

General Jackson at once filled up his cabinet with men devoted to his cause. Martin Van Buren, of the state of New York, was appointed secretary of state. He was a self-made man, and had secured the votes of his native state for governor, which office he held when he received his appointment. Samuel D. Ingham, of Pennsylvania, was appointed

secretary of the treasury. He had been a member of the house of representatives in the national legislature, and was thought a straight-forward, plain man. John H. Eaton was made secretary of war. He had been a senator from Tennessee, and was the personal friend of General Jackson. John Branch was appointed to fill the office of secretary of the navy. The qualifications he had for this office were not known to the nation at large, but they presumed the executive was fully aware of them, before he had elevated him to that office. John M'Pherson Berrien was made attorney-general. This appointment gave general satisfaction. He was at the time of his appointment a senator from Georgia, and celebrated for his acquirements, eloquence, and discrimination. He had shown his talents as well in the high judicial councils of the nation, as in the senate of the United States. John M'Lean, who had held the office of

post-master general, was transferred to the bench on the supreme court of the United States, and William T. Barry, of Kentucky, was put into the office which Mr. M'Lean had filled with so much reputation, that not a man of note in the country wished him removed. A general sweep was made of men in office not favourable to the administration. This was justified upon political grounds, as a course of true policy, and in full accordance with the genius of the government.

The relations of the United States with foreign countries, were in a prosperous situation. Some little misunderstanding existed with the British government, in regard to the West India trade, which was arranged by the plenipotentiary to the court of London, Mr. Louis M'Lane; but this was of no great importance, although thought so at the time.

In 1832, the cholera* raged in the United States,

* The year one thousand eight hundred and thirty-two, will be memorable in the annals of North America, from the prevalence of a terrible epidemic. The disease which prevailed at this period was called the Asiatic Cholera, or Cholera Asphyxia. It commenced its ravages in the year 1817, in Asia, and after having spread death and desolation over that portion of the globe for nearly fourteen years, it invaded Europe, traversed a portion of that continent, and, without any signs of contagious transition, it eventually appeared on our own continent.

This dreadful scourge of humanity has, from its origin to the present period, mocked all scientific research, all medical philosophy, and all remedial treatment. It has stalked through the land like a destroying angel, regardless of all impediments, and literally gone forth, "conquering and to conquer."

The history of its origin, progress, and treatment, in Asia, has been the theme of many learned physicians. It would be tedious and unprofitable for our present purpose, to enter the wide field of investigation, relative to the various and inconsistent accounts which have appeared on the subject.

We are indebted to "a discourse" of Professor J. M. Smith, of New York, for the best digest of its history and progress in India, and to Dr. Edward Warren, of Boston, for its history and progress in America, in the first year of its visitation.

From the Indian physicians we learn, that the disease first suddenly appeared in the beginning of August, 1817, in Zilla-Jessore, a town about one hundred miles northeast of Calcutta. The disease soon spread to the adjacent villages, and thence extended in various directions through the country of Bengal. It continued in that city for several months, raging with violence from January till the end of May, 1818. The deaths during this period were rarely under 200 a week. The epidemic had now extended from Silhet to Cuttack, and from the mouth of the Ganges to the confluence of this river with the Jumna.

Retiring, for the most part, from Bengal, the disease concentrated its force in the interior provinces, and chiefly in the districts bordering on the Ganges and Jumna.

In Benares, the famous seat of Brahminical learning, 15,000 were destroyed in two months; and at Alahabad, 40 or 50 perished daily. Pursuing its march, it soon reached Goorackpoor, in which district it numbered 30,000 victims in a month. It then proceeded successively to Lucknow, Cawnpore, Delhi, Agra, and other districts along the course of the Ganges.

From the northern parts of Hindostan Proper, the disease took a direction through the Decan, committing the most frightful ravages in Husseinabad, Aurungabad, Poornah, and other districts. On the 6th of August, it appeared in Bombay, having consumed about one year in traversing the Indian Delta, from Calcutta. In this

journey, it advanced about fifteen or eighteen miles a day, and tarried from two to six weeks in a place.

The peculiarities of the disease had now been fully developed. Its mode of falling upon a place, and its career in different districts, were singularly capricious. "Sometimes," says the report of the Calcutta medical board, "the disease would make a complete circle round a village, and, leaving it untouched, pass on, as if it were wholly to depart from the district. Then, after a lapse of weeks, or even months, it would suddenly return, and, scarcely reappearing in the parts which had already undergone its ravages, would nearly depopulate the spot that had so recently congratulated itself on its escape. Sometimes, after running a long course on one side of the Ganges, it would, as if arrested by some unknown agent, at once stop, and taking a rapid sweep across the river, lay all waste on the opposite bank."

As yet the cholera had been, for the most part, confined to continental India. In the following year, 1819, it took a wider range, encircling the islands of the Indian Ocean. In Mauritius, it broke out on the 15th of September, and in Bourbon early in December. About the same time it invaded Siam and the adjacent regions. Forty thousand perished in Bankoe. Cochin-China and Tonquin suffered in 1820.

At the close of the year 1820, it commenced its ravages in China, became terrible in Canton, and thence arrived in Peking, in 1821. In this last city, the mortality was so great, that it required the assistance of government for the sepulture of the dead. In China, Mongolia, and other quarters of Central and Southern Asia, and the Philippine islands, it continued to recur for several successive years. In 1822, it reappeared in Java, destroying 100,000 persons. In its northern progress, it reached the confines of Siberia in 1826.

The most westerly point to which the cholera had extended in 1818, was Bombay. In July, 1821, it appeared in Muscat, and other parts of Arabia. The number that sunk under the disease in this new theatre of its action, was not less than 60,000. Death frequently followed in a few minutes after the attack.

Among the many places in the countries bordering on the Persian Gulf, which severely suffered, were Shiraz and Bassora; in the former, 16,000 perished, and in the latter, 18,000, of whom, we are told, upwards of 14,000 died in two weeks.

Pursuing the course of the large rivers, it advanced up the Tigris to Bagdad and Mosul, and up the Euphrates to Syria, reaching Aleppo in 1822. In the Persian empire, few places of note escaped the disease.

In June, 1823, it attacked Antioch; at the same time it ravaged Diaberkur. In August, it invaded Bakus, on the Caspian Sea, and arrived, in September, in the Russian city of Astrachan. At this

and gave great alarm to the whole population; but the number of deaths was not great.

point of approach to Europe, the cholera made a pause of several years. It preserved its existence, however, in the countries it had overrun; and especially lingered in Persia, where it recovered its original force in 1829, and in the following year continued to spread through various provinces around the Caspian Sea.

While the cholera was thus raging in the Persian provinces, it again appeared at Astrachan, at the mouth of the Volga. Seven years had elapsed since its first visitation; the second was in the beginning of July; and in the course of its prevalence, 17,000 perished in eight days. It has been estimated, that at this period, 1830, 6,000,000 of people had fallen victims to the cholera in Asia.

It now urged its way along the banks of the Volga, crossed the Asiatic frontier, and spread itself over the greater part of Russia, in Europe; and after following the Don, the Dnieper, and the southern tributaries of the Volga, it arrived at Moscow on the 15th of September, 1830, about two months and a half after its second appearance in Astrachan. On the 26th of June, it entered the imperial city of St. Petersburg, where, at one period, between 500 and 600 new cases occurred daily, and by the 15th of August, 4,000 persons fell victims, out of about 8,000 cases. During the career of this summer, the cholera had passed over most of the countries of Northern and Central Europe. From Archangel, on the White Sea, and St. Petersburg, Cronstadt, Riga, and Dantzic, on the Baltic, it had reached south to Odessa, on the Black Sea.

From its appearance in Jassore, in 1817, down to the year 1830, when it first showed itself in the Russian province of Ouenburgh, it must be observed, that its ravages were not continued in one unbroken course; but, in those places where its occurrence was not simultaneous, years often intervened between its decline in one district, and its reappearance in another.

Since the year 1830, this singular epidemic has traversed Europe in one line, inclining to a northwesterly course; and in spite of quarantine regulations, cordons of troops, and the most assiduous vigilance, it has devastated all those nations lying in its route, has found its way to England and to France, and, at length, reached even the shores of the American continent.

The month of June, 1832, witnessed the first appearance of cholera in North America. This was at Quebec, in Canada; and it appeared almost simultaneously at Montreal. The first place in which the disease manifested itself in Quebec, was a boarding-house in Champlain street, a low, filthy, unventilated portion of the town. The first patient was an emigrant, landed from the steam boat *Voyageur*, which plied between Montreal and Quebec. It appears, that on the third of June, the brig *Carrieks* arrived at Grosse Island, the quarantine ground, thirty-nine miles below Quebec, having on board one hundred and thirty-three passengers. Thirty-nine died during the passage, of a disease, the symptoms of which, it was said, corresponded with those of malignant cholera. This arrival produced considerable excitement both at Quebec and Montreal. Medical commissioners were directed to visit Grosse Island, on the 7th of June, who examined the passengers, all of whom had been detained at quarantine. They reported, as the result of their examination, that the passengers were all in perfect health; that the disease had occurred soon after the vessel sailed; and that the last death had been on the 9th of May, twenty-five days before her arrival at Grosse Island; since which time, the surviving passengers had enjoyed good health. The *Carrieks* had been thoroughly cleansed, and set sail on the 7th of June, all on board being well.

At this moment, whilst the board of health were issuing their proclamation to prove the impossibility of the importation of the disease by the *Carrieks*, the cholera had already broken out in Quebec.

The steam boat *Voyageur* left Quebec on the evening of the 7th of June, received passengers, it is said, from different emigrant vessels on the river; and the weather becoming stormy, was obliged to return to Quebec, where she landed about two hundred passengers, most of whom found lodgings in the neighbourhood of Champlain street. She then proceeded to Montreal; but one emigrant passenger died on board, before her arrival at that city. On the

The boundary line, a subject of dispute, has not lately been agitated.

9th, in the afternoon, a second case occurred. On the same evening, four others were seized with the malady, and sent to the hospital, where these died. The disease spread in almost every direction, and there were seventy deaths between the evening of the 8th, and eleven o'clock in the morning of the 11th. The cases continued to increase till about the 18th, when they began to diminish. At one period, the number was estimated at from 250 to 300 in twenty-four hours.

The population of Quebec, in the summer of 1831, was 27,562. The number of deaths from cholera, from the 9th of June till the 2d of September, is estimated at 2,218. The greatest number during one day, was 143, on the 15th of June.

At Montreal, on the 10th of June, an emigrant from the steam boat *Voyageur* was seized with the disease after an evening of dissipation, and died the next day. The same night, several natives, who held no intercourse with the port, or with each other, were taken ill.

As late as the 12th of June, the existence of the disease was denied; and was not recognised by the board of health until the 13th, when was made their first report. They stated the number of cases for the last twenty-four hours, at 94, and the deaths at 23. On the 15th, they reported 1,204 cases, and 230 deaths, as being, as nearly as could be ascertained, the whole number from the commencement of the disease. The next report estimates the cases for the twenty-four hours at 431, and the deaths at 82; and for the next succeeding twenty-four hours, 475 new cases, and 102 deaths.

There occurred at Montreal, from the 9th of June till the 1st of September, 4,835 cases; and the deaths, during the same period, were 1,843. The greatest number of cases reported for twenty-four hours, was 474, on the 17th of June; and the greatest number of burials, for the same period, was 149, on the 19th of June.

The cholera now extended its ravages to the large towns situated on the St. Lawrence, and the streams which flow into it. It soon appeared at Kamarouska, about 80 miles from Quebec. Previous to the 15th of June, fourteen deaths had taken place at La Prairie, which is nine miles above Montreal; and on the 17th, it showed itself at St. Johns. It soon reached Buffalo. Lachine, Caughnawaga, Coteau de Lac, Chateaugnay, Cornwall, St. Regis, Prescott, Ogdensburgh, Brookville, Kingston, York, Chambly, Plattsburgh, and Trois Rivières, were all visited in their turn. The disease followed the course of the large rivers.

Whatever may be the causes of cholera, and the laws by which its course is governed, it is certainly remarkable, that its march should be so irregular as it has been found to be; not spreading regularly over an extent of country, but occurring in towns and cities at distances from each other, without affecting intervening districts till a subsequent period. Thus, the first case reported in New York occurred on the 1st of July, some days before it appeared at Albany, 150 miles nearer to Montreal.

In the city of New York, the existence of the disease was first officially recognised by the board of health on the 4th of July; though it had, in fact, occurred sooner, namely, on the 28th or 29th of June. The greatest number of cases in this city took place on the 21st of July, when there were 311 cases, and 100 deaths. On the day following, there were 239 cases, and 115 deaths. On the 25th, 153 deaths are reported. The whole number of deaths from the 4th of July till the 1st of October, was 3,407.

In the city of Albany, the cholera made its first appearance on or about the 3d of July. It increased and extended itself very gradually, the number of cases varying from day to day, without a regular increase. The whole number of deaths from the 3d of July till the 22d of September, was 229.

At Philadelphia, which was the next place of attack, it was first recognised by the board of health on the 16th of July. No new cases, however, occurred till the 24th. On the 28th, six cases and five deaths took place. From this time the disease advanced very rapidly, and while its fury was abating in New York, it began to show itself in its most formidable shape in Philadelphia. Upon the 6th of August, the greatest number of cases occurred; there were reported 176 cases, with 71 deaths. The whole number of deaths

The people of South Carolina had, before this time, broached some doctrines in regard to state rights, not

acknowledged by the great body of the union. The question was most ably argued in congress, particu-

by cholera, in that city, was 948. Taking the 28th of July as the date at which it commenced its regular course, it required only nine days for it to arrive at its height; nearly the same period as in Quebec and Montreal, and about half the period it required in New York.

At Baltimore, the disease commenced on the 22d of August, from which time, till the 24th of September, the number of deaths was about 600.

In the city of Washington, it first showed itself about the 28th of August, from which time, till the 24th of September, there were reported 177 deaths.

It prevailed also at Norfolk, in Virginia, and traversed various portions of the southern states, where it made great havoc amongst the black, or slave population, who fell ready and easy victims to its influence. Cincinnati and New Orleans suffered severely.

From the north, the disease extended itself along the borders of the great lakes. It soon reached Detroit, where it produced considerable mortality among the troops.

The six eastern states, together with the British provinces of Nova Scotia and New Brunswick, almost entirely escaped its influence. Only a few solitary cases occurred in the port towns of Connecticut, Rhode Island, and Massachusetts, but not sufficient to give it the character of an epidemic; as the cases might, more or less, be traced to individuals seeking refuge from the infected cities. In a word, all these places might be pronounced as having been exempt from the epidemic cholera.

During this season, the disease broke out in Havana, and carried off an immense population, principally slaves.

We have now given an epitome of the history and progress of malignant cholera, from its first appearance in Asia till the period of its ravages in Canada and the United States, at the close of the year 1832. To this history we are induced to add some medicotopographical reflections, suggested by our own observations on this singular malady.

The prominent characteristic of this malady will not justify the name by which it is distinguished, of CHOLERA. The definition of that term implies a morbid bilious secretion, exciting irritation, and griping pains in the intestines, with their concomitant symptoms, vomiting, and purging of coloured, foetid ejections. In the disease under consideration, there is at least a deficiency, if not in all cases a total want, of bile. Its symptoms are summarily these: First, trifling diarrhœa, varying in duration from several days down to a few hours only; then nausea, vomiting, and increase of diarrhœa. Second, a slight blueness of the hands and face, sometimes accompanied by distressing sensation of the chest, followed by vomiting and diarrhœa—dejections being watery, flaky, and light coloured, having almost invariably the appearance of rice water, and unmixed with foetid excrements. Third, cramps in the limbs, blueness extending over the whole trunk, countenance cadaverous, skin and perspiration cold; as also are the breath and tongue; the voice broken to a whisper, and a burning thirst. These constituted the severer cases, which terminated in death from three to twelve hours. Numerous were the cases where there was neither vomiting, purging, nor spasms, and yet they hurried rapidly to a fatal termination.

It is remarked by all writers, foreign and domestic, on this disease, that it always appeared in cities and towns lying on, or in, the immediate vicinity of lakes or rivers; that in its progress from district to district, its course was marked over alluvial soil; and, we believe, in no instance on high ground, where the formation was either primary or secondary. Hence, whatever may be its cause, or the nature of the *miasm* by which it is engendered, it is only to be found in alluvial formations. In the United States, and in the British American provinces, this has been exemplified beyond a doubt. The disease has, we believe, invariably occurred on alluvial soils, and followed the course of rivers or large streams; not, as has been imagined, by transportation through infected emigrants, or by those who had been exposed in previously infected places; but because such locations only became susceptible to its infecting influence.

Without endeavouring to be minutely particular in our proofs that the disease belongs wholly to alluvial situations, we need only to remark, first, its limitations in Canada, and in the middle, southern, and western states, to lakes, rivers, and streams; and, secondly, to the almost total exemption of our six eastern states, as well as Nova Scotia and New Brunswick, because nearly all that portion of America is of primary and secondary formation. We therefore have reason to believe, that the *miasm* of this disease, as well as that of yellow fever and plague, can not exist or propagate in districts of primary or secondary formations.

As to the *miasm*, or deadly poison, which invades the system, and is the primary cause of sickness and of death in this, as well as in other infectious diseases, it has ever been, and probably ever will be, inscrutable by the ingenuity of man. We know that it exists, only from its effects on our systems; but the material constituting its ærial substance, must for ever remain a mystery.

We may theorize, hypothesize, and analogize, but we can never arrive with certainty at the goal of discovery. We would, however, by no means, discourage the inquirer, who may, by analogy, approach the truth, though unable to establish the fact. It is possible even that he may thus strike on the very cause itself; yet its proof must ever remain doubtful. Whatever it be, and however palpable to our senses, yet it would be in vain to contend against it. All that man can do, is to avoid its baleful influence, by a removal from within its atmosphere. He can not prevent or counteract the coming storm, or the dreadful sirocco; he can only seek refuge from the irresistible power of the one, or the malign influence of the other.

The most plausible, if not the most reasonable hypothesis, and the best supported by analogical arguments, is that of the learned professor, Doctor Mojon, of Italy, whose philosophic mind prompted him, at the hazard of his life, to visit Paris, and attend the hospitals during the epidemic, for the sole purpose of investigating the nature and character of the disease. This hypothesis does not embrace, distinctly, either the ærial, aquatic, or tellurian theory; but comprehends what may have an affinity with either, or may be the result of a combination of all. It is the doctrine of *animalculæ*. If we were to adopt for ourselves any one hypothesis as preferable to, or more rational than another, it would be the animalcular. This idea is not so novel, nor so widely speculative, as many seem to imagine. There lies now before us a catalogue of twenty-four names of both ancient and modern authors of historical reputation, quoted as advocates of the doctrine that animalculæ are productive of both contagious and infectious diseases. Amongst these are Varro, Lucretius, Columella, Vitruvius, Kircher, Fabre, Linnæus, Hautmann, Plenitz, Dessault, Acerbi, Hahnemann, La Motte, Neal, &c. Its discussion, however, would be out of place here, and we must refer the inquisitive reader to Dr. Mojon's treatise on cholera, for the rationale of his doctrine.

However remote from our research may be the first cause of the malady, we may approach at least to a consideration of its effects, as manifested by its premonitory and subsequent symptoms.

Speculations on the effects of unknown causes, are at all times but an exercise of ingenuity in our profession. However, when we can not agree upon the effects themselves, and make even these bend to adopted or preconceived systems or opinions, we are constantly exposed to dangerous inferences, and to fatal results.

To investigate the nature of this disease, and to learn the first effects the *miasm* has produced on the constitution, we should select, for *post mortem* examination, such subjects as were temperate in their habits, and apparently in good health when first attacked by the malady. The most correct and numerous of those examinations have been made in the hospitals at Paris, by physicians devoted to the sciences, and in whose accuracy there need be no doubt.

In such cases, the *brain* will be found sound, or little altered; the *lungs* sound; the *heart*, and first portion of the blood vessels, filled with black, liquid blood; *stomach* containing a quantity of gray coloured fluid; *bladder* empty and contracted; *liver* sound, and free from blood; *gall bladder* containing the usual quantity of bile, of a dark colour; *abdominal viscera* sound; no signs of inflammation, nor

larly by Colonel Hayne, a senator from South Carolina, on the one side, and by Mr. Webster, of Massachusetts, on the other.*

derangement of the internal organs, either of the abdominal viscera, of the stomach, or of the brain. The veins are, however, overloaded with a dark coloured blood, in some parts approaching ink in its appearance. In some cases, the heart, as well as the smaller arteries, are found surcharged with blood, presenting the same colour as that found in the veins.

From all that we have been able to learn, there appears to be a general, if not a unanimous conviction, that there is in this disease a torpid state of the biliary organs, which render them insufficient to furnish the common quantity or quality of bile for the purpose of assimilating the digested mass of food into its elementary portions. This fact has led us to form a hypothesis on the cause of the deterioration of the blood, so remarkably characteristic of this disease.

Our present opinion, we, frankly confess, does not, in every respect, accord with that which we adopted in the early period of the epidemic, respecting the existence of an acrid secretion from the biliary ducts, producing the phenomena consequent to an attack. But, for our hypothesis.

CHYME, we know to be the ingested mass of food which passes from the stomach into the duodenum, or first intestine, and from which the *chyle* is prepared in the small intestines by the admixture of the bile.

CHYLE is the milk-like liquor observable some hours after eating, in the *lacteal* vessels, and in the thoracic duct. It is separated, by digestion, from the chyme, and is that fluid substance from which the blood is formed. The lacteal vessels are most numerous in the duodenum, whence, after chylification, the residual mass, with the bile, is propelled into the large intestines, and become alvine.

The *chyle* enters into the blood in so pure and unmixed a state, that it is occasionally seen swimming on it if a vein be opened some hours after eating. In the thoracic duct it is mixed with albuminous and gelatinous lymph. Its use is to supply the matter from which the blood and other fluids of the body are prepared, and from which fluids the solid parts are formed.

From the nature and uses of chyme and of chyle, we are led to believe that *that* cause, which will, or does, weaken, or suspend the wonted force and secretory power of that great vascular reservoir of blood, the *liver*, also leads to a diminution in quantity, if not to a change in quality, of that important secretion called bile.

It must appear evident, from what we have stated above, that the presence of *chyle* is essential to the process of sanguification, or the formation of the blood, and consequently to the sustenance of its vitality and purity, and to the support of the animal functions. Deprive the blood of chyle but for a short time, and a change, or a want of healthy action, must necessarily ensue; but, cut off its source for a few hours, and an utter deterioration of the blood follows, and death becomes inevitable.

Among the causes that will produce this state of the biliary organs, and their consequent effects, there are some of which we are ignorant, but a few are well known. Among the former is that peculiar constitutional aptitude in the prevailing condition of the human system which has rendered it liable to *this* epidemic, as it does to all other epidemics. Among the latter or *known* causes, are fear, apprehension, anxiety. Their effects on the nervous and vascular systems, are too familiar to the common observer to require any physiological comments. The brain, the bowels, the heart, and the secretory vessels, bear daily witness to their influence, and submit to it in many instances, with startling celerity.

Paleness, or a recess of blood from the surface; a general sense of debility, almost to prostration; tremor; a languid circulation and feeble action of the heart: are all, the instantaneous results of fear. We need not carry the effects of enervating causes any farther to prove the strong analogy which such a state of the system bears to the effects of that other and unknown cause, whatever it may be, which induces the premonitory symptoms of cholera. We shall, at all events, endeavour to prove that the effects are the same in the progressive stages of the disease.

CHYME, it appears, cannot part with its chyle without the inter-

The attention of the people was attracted by this discussion, and an immense majority of them were decidedly against the doctrines avowed by Carolina.

vention of a suitable quantity of bile to aid its separation. Bile being deficient in consequence of the torpidity of the biliary organs, it results, that little or no chyle is furnished to the blood. Chyme, unmixed with bile, is naturally of a grayish or light colour, and would pass off by stool or ejection without any other change than its admixture with the common secretions of the intestinal canal, or with the watery fluids taken into the stomach. On this principle, then, we account for the colourless or rice-water discharges from the stomach and bowels.

If, therefore, it is a fact, (and we believe it is now universally admitted,) that there is a deficiency of bile in this disease, and a consequent failure of chylification, we cannot be at a loss to account for the deterioration of the blood. By abstracting chyle, you deprive it of its pabulum. It becomes diseased, dissolved, decomposed, disoxygenated, corrupted. The feeble action of the arterial system denotes its lost power over the heart, and analysis has proved its degeneracy.

It seems to be generally admitted among practitioners of medicine, that in this disease, when the discharges have assumed a dark or coloured appearance, their patient may be considered safe. We believe it; for they evince, that some natural or artificial power has roused the liver and gall bladder from their sluggish and dormant state.

The sudden and rapid progress of this malady forbids us to hope much from the "*vis medicatrix naturæ*," or power of nature. The frequent suddenness of its attack, the rapid disorganization and dissolution of the blood, the consequent deathlike prostration, and the livid hue of the surface and extremities, call for the most prompt and energetic means at our command. The only remedial agent that appears to us as inductive to such a result, is *vomits*. These not only produce a salutary revulsion throughout the whole vascular system, but, from their mechanical effect on the liver by means of the oppressive constrictions of the abdominal muscles, cause it to disgorge its contents, and relieve its congestion. Hence, as we have repeatedly observed, immediately after the operation of an emetic in the forming, or in the full state of *collapse*, as it is termed, a change of colour and of material is induced in the discharges from the bowels, a cessation of spontaneous vomiting, purging, and cramps, and the cure is accomplished by the exhibition of one or more doses of calomel.

* As this question was so fully discussed and explained in the speeches of these gentlemen, we are induced to insert them, it being impossible to give an abridgment that would present a clear view of the subject.

When I took occasion, (said Mr. Hayne,) two days ago, to throw out some ideas with respect to the policy of the government, in relation to the public lands, nothing certainly could have been further from my thoughts, than that I should be compelled again to throw myself upon the indulgence of the senate. Little did I expect to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts, (Mr. Webster.) Sir, I questioned no man's opinions; I impeached no man's motives; I charged no party, or state, or section of country, with hostility to any other, but ventured, I thought, in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri, (Mr. Benton,) it is true, had charged upon the eastern states an early and continued hostility towards the west, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honourable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges which *he had preferred*, chooses to consider me as the author of those charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop here. He goes on to assail the institutions and policy of the south, and calls in question the principles and conduct of the state which

Although the state of South Carolina assumed an attitude of defiance, President Jackson at once took a most decided course. He was supported by the great

body of the people. He issued a proclamation, which we shall insert, fraught with all the sound doctrines of the old school. This manly, bold, and

I have the honour to represent. When I find a gentleman of mature age and experience—of acknowledged talents and profound sagacity—pursuing a course like this, declining the contest offered from the west, and making war upon the unoffending south, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered, in former controversies with the gentleman from Missouri, that he is overmatched by that senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered *coalition* come back, like the ghost of Banquo, to "sear the eye-balls of the gentleman," and will it not 'down at his bidding'? Are dark visions of broken hopes, and honours lost for ever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the east from the contest it has provoked with the west, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The south shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant west needs no aid from the south, to repel any attack which may be made on them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri, if he can; and if he win the victory, let him wear its honours: I shall not deprive him of his laurels.

The gentleman from Massachusetts, in reply to my remarks on the injurious operation of our land system on the prosperity of the west, pronounced an extravagant eulogium on the paternal care which the government had extended towards the west, to which he attributed all that was great and excellent in the present condition of the new states. The language of the gentleman, on this topic, fell upon my ears like the almost forgotten tones of the tory leaders of the British parliament, at the commencement of the American revolution. They, too, discovered, that the colonies had grown great under the fostering care of the mother country; and I must confess, while listening to the gentleman, I thought the appropriate reply to his argument, was to be found in the remark of a celebrated orator, made on that occasion: "They had grown great in spite of your protection."

The gentleman, in commenting on the policy of the government, in relation to the new states, has introduced to our notice a certain Nathan Dane, of Massachusetts, to whom he attributes the celebrated ordinance of '87, by which he tells us, "*slavery* was for ever excluded from the new states north of the Ohio." After eulogizing the wisdom of this provision, in terms of the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane; and great, indeed, he must be, if it be true, as stated by the senator from Massachusetts, that "he was greater than Solon and Lycurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world," ancient and modern. Sir, to such high authority, it is certainly my duty, in a becoming spirit of humility, to submit. And yet, the gentleman will pardon me, when I say, that it is a little unfortunate for the fame of this great legislator, that the gentleman from Missouri should have proved, that he was not the author of the ordinance of '87, on which the senator from Massachusetts has reared so glorious a monument to his name. Sir, I doubt not the senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that until he informed us yesterday that we possessed a Solon and a Lycurgus, in the person of Nathan Dane, he was only known to the south as a member of a celebrated assembly, called and known by the name of "the Hartford Convention." In the proceedings of that assembly, which I hold in my hand, (at page 19,) will be found, in a few lines, the history of Nathan Dane; and a little further on, there is conclusive evidence of that ardent devotion to the interests of the new states, which it seems has given him a just claim to the

title of "father of the west." By the second resolution of the "Hartford Convention," it is declared, "that it is expedient to attempt to make provision for restraining congress in the exercise of an unlimited power to make new states, and admitting them into the union." So much for Nathan Dane, of Beverly, Massachusetts.

In commenting upon my views in relation to the public lands, the gentleman insists, that it being one of the conditions of the grants that these lands should be applied to "the common benefit of all the states, they must always remain a fund for revenue;" and adds, "they must be treated as so much treasure." Sir, the gentleman could hardly find language strong enough, to convey his disapprobation of the policy which I had ventured to recommend to the favourable consideration of the country. And what, sir, was that policy, and what is the difference between that gentleman and myself, on this subject? I threw out the idea, that the public lands ought not to be reserved for ever as "a great fund for revenue;" that they ought not to be "treated as a great treasure;" but that the course of our policy should rather be directed towards the creation of new states, and building up great and flourishing communities.

Now, sir, will it be believed by those who now hear me, and who listened to the gentleman's denunciation of my doctrines yesterday, that a book then lay open before him—nay, that he held it in his hand, and read from it certain passages of his own speech, delivered to the house of representatives in 1825, in which speech he himself contended for the very doctrines I had advocated, and almost in the same terms. Here is the speech of the Hon. Daniel Webster, contained in the first volume of Gales and Seaton's Register of Debates, (p. 251,) delivered in the house of representatives on the 18th of January, 1825, in a debate on the *Cumberland road*—the very debate from which the senator read yesterday. I shall read from this celebrated speech two passages, from which it will appear, that, both as to the past and the future policy of the government, in relation to the public lands, the gentleman from Massachusetts maintained, in 1825, substantially the same opinions which I have advanced; but, which he now strongly reprobates. I said, sir, that the system of *credit sales*, by which the west had been kept constantly in debt to the United States, and by which their wealth was drained off, to be expended elsewhere, had operated injuriously on their prosperity. On this point, the gentleman from Massachusetts, in January, 1825, expressed himself thus: "There could be no doubt, if gentlemen looked at the money received into the treasury from the sale of the public lands to the west, and then looked to the whole amount expended by government, (even including the whole amount of what was laid out for the army,) the latter must be allowed to be very inconsiderable, and there must be a constant drain of money from the west to pay for the public lands. It might, indeed, be said, that this was no more than the reflux of capital which had previously gone over the mountains. Be it so. Still its practical effect was to produce inconvenience, if not distress, by absorbing the money of the people."

I contended, that the public lands ought not to be treated merely as "a fund for revenue;" that they ought not to be hoarded "as a great treasure." On this point, the senator expressed himself thus: "Government, I believe, has received eighteen or twenty millions of dollars from the public lands, and it is with the greatest satisfaction I advert to the change which has been introduced in the mode of paying for them; yet I can never think the national domain is to be regarded as any great source of revenue. The great object of the government in respect to these lands, was not so much the money derived from their sale, as it was the getting them settled. What I mean to say is, I do not think they ought to hug that domain as a great treasure, which is to enrich the exchequer."

Now, Mr. President, it will be seen that the very doctrines which the gentleman so indignantly abandons, were urged by him in 1825; and if I had actually borrowed my sentiments from those which he then avowed, I could not have followed more closely in his footsteps. Sir, it is only since the gentleman quoted this book, yesterday, that my attention has been turned to the sentiments he

decided course, made him tenfold more popular than before.

"Whereas, a convention assembled in the state of

expressed in 1825; and, if I had remembered them, I might possibly have been deterred from uttering sentiments here, which it might well be supposed I had borrowed from that gentleman.

In 1825, the gentleman told the world, that the public lands "ought not to be treated as a treasure." He now tells us, that "they must be treated as so much treasure." What the deliberate opinion of the gentleman on this subject may be, belongs not to me to determine; but, I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own. When the gentleman refers to the conditions of the grants under which the United States have acquired these lands, and insists that, as they are declared to be "for the common benefit of all the states," they can only be treated as so much treasure, I think he has applied a rule of construction too narrow for the case. If, in the deeds of cession, it has been declared that the grants were intended for "the common benefit of all the states," it is clear, from other provisions, that they were not intended merely as *so much property*; for, it is expressly declared, that the object of the grants is the erection of new states; and the United States, in accepting the trust, bind themselves to facilitate the foundation of these states, to be admitted into the union with all the rights and privileges of the original states. This, sir, was the great end to which all parties looked, and it is by the fulfilment of this high trust, that "the common benefit of all the states" is to be best promoted. Sir, let me tell the gentleman, that in the part of the country in which I live, we do not measure political benefits by the *money standard*. We consider as more valuable than gold, liberty, principle, and justice. But, sir, if we are bound to act on the narrow principles contended for by the gentleman, I am wholly at a loss to conceive how he can reconcile his principles with his own practice. The lands are, it seems, to be treated "as so much treasure," and must be applied to the "common benefit of all the states." Now, if this be so, whence does he derive the right to appropriate them for partial and local objects? How can the gentleman consent to vote away immense bodies of these lands, for canals in Indiana and Illinois, to the Louisville and Portland canal, to Kenyon college, in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made "for the common benefit of all the states," it can only be, because all the states are interested in the welfare of each—a principle which, carried to the full extent, destroys all distinction between local and national objects; and is certainly *broad enough* to embrace the principles for which I have ventured to contend. Sir, the true difference between us, I take to be this: the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred trust, which we ought to fulfil, on the principles for which I have contended.

The senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of the east towards the west, with sentiments of an opposite character displayed by the south in relation to appropriations for *internal improvement*. Now, sir, let it be recollected, that the south have made no professions; I have certainly made none in their behalf, of regard for the west. It has been reserved to the gentleman from Massachusetts, while he vaunts his own personal devotion to western interests, to claim for the entire section of country to which he belongs, an ardent friendship for the west, as manifested by their support of the system of internal improvement, while he casts in our teeth the reproach, that the south has manifested hostility to western interests, in opposing appropriations for such objects. That gentleman, at the same time, acknowledged that the south entertains *constitutional scruples* on this subject. Are we then, sir, to understand, that the gentleman considers it a just subject of reproach, that we respect our oaths, by which we are bound "to preserve, protect, and defend the constitution of the United States?" Would the gentleman have us manifest our love to the west, by trampling under foot our con-

South Carolina, have passed an ordinance, by which they declare, 'That the several acts and parts of acts of the congress of the United States, purporting to

stitutional scruples? Does he not perceive, that if the south is to be *reproached* with unkindness to the west, in voting against appropriations, which the gentleman admits they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question, whether, if he was in our situation, he could vote for these appropriations, regardless of his scruples? No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavouring to cast upon the south. In relation to the other point, the friendship manifested by New England towards the west, in their support of the system of internal improvement, the gentleman will pardon me for saying, that I think he is equally unfortunate in having introduced that topic. As that gentleman has forced it upon us, however, I can not suffer it to pass unnoticed. When the gentleman tell us, that the appropriations for internal improvement in the west, would, in almost every instance, have failed, but for New England votes, he has forgotten to tell us the *when*, the *how*, and the *wherefore*, this new-born zeal for the west sprung up in the bosom of New England. If we look back only a few years, we will find, in both houses of congress, a uniform and steady opposition, on the part of the members from the eastern states, generally, to all appropriations of this character. At the time I became a member of this house, and for some time afterwards, a decided majority of the New England senators were opposed to the very measures which the senator from Massachusetts tells us they now cordially support. Sir, the journals are before me, and an examination of them will satisfy every gentleman of that fact.

It must be well known to every one whose experience dates back as far as 1825, that up to a *certain period*, New England was generally opposed to appropriations for internal improvements in the west. The gentleman from Massachusetts may be himself an exception; but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and '25, however, (a memorable era in the history of this country,) a wonderful change took place in New England, in relation to western interests. Sir, an extraordinary union of sympathies and of interests was then effected, which brought the east and the west into close alliance. The book from which I have before read, contains the first public announcement of that happy reconciliation of conflicting interests, personal and political, which brought the east and west together, and locked in a fraternal embrace the two great orators of the east and the west. Sir, it was on the 18th of January, 1825, while the result of the presidential election, in the house of representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall, where the mighty drama was soon to be acted, that we saw the leaders of two great parties in the house and in the nation, "taking sweet counsel together," and in a celebrated debate on the *Cumberland road*, fighting side by side for *western interests*. It was on that memorable occasion that the senator from Massachusetts *held out the white flag to the west*, and uttered those liberal sentiments, which he yesterday so indignantly repudiated. Then it was, that that happy union, between the members of the celebrated *coalition*, was consummated, whose immediate issue was a president from *one quarter of the union*, with the succession (as it was supposed) *secured to another*. The "*American system*," before a rude, disjointed, and misshapen mass, now assumed form and consistency: then it was, that it became "the settled policy of the government," that this system should be so administered as to create a reciprocity of interests, and a reciprocal distribution of government favours, east and west, (the tariff and internal improvement,) while the south—yes, sir, the impracticable south—was to be "out of your protection." The gentleman may boast as much as he pleases of the friendship of New England for the west, as displayed in their support of internal improvement; but, when he next introduces that topic, I trust that he will tell us *when* that friendship commenced, *how* it was brought about, and *why* it was established. Before I leave this topic, I must be permitted to say, that the true character

be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States,

of the policy now pursued by the gentleman from Massachusetts and his friends, in relation to appropriations of land and money, for the benefit of the west, is, in my estimation, very similar to that pursued by Jacob of old towards his brother Esau—"it robs them of their birthright for a mess of pottage."

The gentleman from Massachusetts, in alluding to a remark of mine, that, before any disposition could be made of the public lands, the *national debt* (for which they stand pledged) must be first paid, took occasion to intimate, "that the *extraordinary fervour* which seems to exist in a *certain quarter*, [meaning the south, sir,] for the payment of the debt, arises from a disposition to *weaken the ties which bind the people to the union*." While the gentleman deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject, until I find this disposition manifested by something stronger than professions. I shall look for acts, decided and unequivocal acts; for the performance of which an opportunity will very soon (if I am not greatly mistaken) be afforded. Sir, if I were at liberty to judge of the course which that gentleman would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude, that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt. He tells us he is desirous of paying the debt, "because we are under an *obligation* to discharge it." Now, sir, suppose it should happen that the public creditors, with whom we have contracted the obligation, should release us from it, so far as to declare their willingness to wait for payment for fifty years to come, provided only, the interest shall be punctually discharged. The gentleman from Massachusetts will then be released from the obligation which now makes him desirous of paying the debt; and, let me tell the gentleman, the holders of the stock will not only release us from this obligation, but they will implore, nay, they will even *pay us* not to pay them. But, adds the gentleman, "so far as the debt may have an effect in binding the creditors to the country, and thereby serving as a link to hold the states together, he would be glad that it should exist for ever." Surely, then, sir, on the gentleman's own principles, he must be opposed to the payment of the debt.

Sir, let me tell that gentleman, that the south repudiates the idea that a *pecuniary dependence* on the federal government is one of the legitimate means of holding the states together. A monied interest in the government is essentially a *base interest*; and just so far as it operates to bind the feelings of those who are subjected to it, to the government; just so far as it operates in creating sympathies and interests that would not otherwise exist, is it opposed to all the principles of free government, and at war with virtue and patriotism. Sir, the link which binds the public creditors, *as such*, to their country, binds them equally to all governments, whether arbitrary or free. In a free government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the government by the strong link of *pecuniary interests*; millions of people—entire sections of country, interested, or believing themselves to be so, in the public lands, and the public treasure, are bound to the government by the expectation of *pecuniary favours*. If this system is carried much further, no man can fail to see, that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, grovelling, base, and selfish feelings, which bind men to the footstool of a despot, by bonds as strong and as enduring as those which attach them to free institutions. Sir, I would lay the foundation of this government in the affections of the people; I would teach them to cling to it, by dispensing equal justice, and, above all, by securing the "blessings of liberty" to "themselves, and to their posterity."

The honourable gentleman from Massachusetts has gone out of his way, to pass a high eulogium on the state of Ohio. In the most impassioned tones of eloquence, he described her majestic march

and more especially' two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, are 'unauthorized by the Constitution of

to greatness. He told us, that having already left all the other states far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the state of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great, and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity, to the policy of Nathan Dane of Massachusetts, which had secured to the people of Ohio (by the ordinance of '87) a *population of freemen*, I will confess, that my feelings suffered a revulsion, which I am now unable to describe, in any language sufficiently respectful towards the gentleman from Massachusetts. In contrasting the state of Ohio with Kentucky, for the purpose of pointing out the *superiority of the former*, and of attributing that superiority to the *existence of slavery* in the one state, and its absence in the other, I thought I could discern the *very spirit of the Missouri question* intruded into this debate, for objects best known to the gentleman himself. Did that gentleman, sir, when he formed the determination to cross the southern border, in order to invade the state of South Carolina, deem it prudent or necessary to enlist under his banners the *prejudices of the world*, which, like *Swiss troops*, may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the *passions of mankind*, of which it may be more truly said, than of the savage tribes of the wilderness, "that their known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions?" Or was it supposed, sir, that in a premeditated and unprovoked attack upon the south, it was advisable to begin by a gentle admonition of our *supposed weakness*, in order to prevent us from making that firm and manly resistance due to our own character, and our dearest interests? Was the *significant hint of the weakness of slave-holding states*, when contrasted with the *superior strength of free states*, like the glare of the weapon half drawn from its scabbard, intended to enforce the lessons of prudence and of patriotism, which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us? Mr. President, the impression which has gone abroad, of the *weakness of the south*, as connected with the *slave question*, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman of Massachusetts, to declare, that we are ready to meet the question promptly, and fearlessly. It is one from which we are not disposed to shrink, in whatever form, or under whatever circumstances it may be pressed upon us. We are ready to make up the issue with the gentleman, as to the influence of slavery on individual and national character—on the prosperity and greatness, either of the United States, or of particular states. Sir, when arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not consent to look at slavery in the abstract. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor whether his colour and condition are the effects of a curse inflicted for the offences of his ancestors? We deal in no *abstractions*. We will not look back to inquire, whether our fathers were guiltless in introducing slaves into this country? If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the south. Southern ships and southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that "accursed traffic." But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day found it ready made to our hands. Finding our lot cast among a people, whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of *obligation and duty*. We resolved to make the best of the situa-

the United States, and violate the true meaning and intent thereof, and are null and void, and no law, nor binding on the citizens of that state or its officers :

tion in which Providence had placed us, and to fulfil the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled, without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral, and intellectual habits and character, totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity of the southern slave owner is presented by the example of certain benevolent associations and charitable individuals *elsewhere*. Shedding weak tears over sufferings which had existence only in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the south from their masters. By means of missionaries and political tracts, the scheme was in a great measure successful. Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our northern cities. And what has been the consequence? - Go to these cities now, and ask the question. Visit the dark and narrow lanes, and obscure recesses which have been assigned by common consent as the abodes of those outcasts of the world—the free people of colour. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparisons between the condition of the free negroes of the north, and the slaves of the south, and the comparison has left not only an indelible impression of the superior advantages of the latter, but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, "the foxes have holes, and the birds of the air have nests, but the son of man hath not where to lay his head," as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighbourhood of one of the most moral, religious, and refined cities of the north, a family of free blacks, driven to the caves of the rock, and there obtaining a precarious subsistence from charity and plunder.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence. I suspect, that when the subject is closely examined, it will be found that there is not much force even in the plausible objection of the want of physical power in slave-holding states. The power of a country is compounded of its population and its wealth, and, in modern times, where, from the very form and structure of society, by far the greater portion of the people must, even during the continuance of the most desolating wars, be employed in the cultivation of the soil and other peaceful pursuits, it may be well doubted, whether slave-holding states, by reason of the superior value of their productions, are not able to maintain a number of troops in the field, fully equal to what could be supported by states with a larger white population, but not possessed of equal resources.

It is a popular error to suppose that in any possible state of things, the people of a country could ever be called out *en masse*, or that a half, or a third, or even a fifth part of the physical force of any country, could ever be brought into the field. The difficulty is not to procure men, but to provide the means of maintaining them; and in this view of the subject, it may be asked, whether the southern states are not a source of strength and power, and not of weakness to the country? whether they have not contributed, and are not now contributing, largely to the wealth and prosperity of every state

and by the said Ordinance, it is further declared to be unlawful for any of the constituted authorities of the state, or of the United States, to enforce the pay-

in this union? From a statement which I hold in my hand, it appears that in ten years—from 1818 to 1827, inclusive—the whole amount of the domestic exports of the United States was \$521,811,045. Of which three articles, (*the product of slave labour*), viz. cotton, rice, and tobacco, amounted to \$339,203,232—equal to *about two thirds of the whole*. It is not true, as has been supposed, that the advantages of this labour are confined almost exclusively to the southern states. Sir, I am thoroughly convinced, that at this time, *the states north of the Potomac, actually derive greater profits from the labour of our slaves, than we do ourselves*. It appears from our public documents, that in seven years, from 1821 to 1827, inclusive, the six southern states exported \$190,337,281, and imported only \$55,646,301. Now the difference between these two sums, (near \$140,000,000,) passed through the hands of the northern merchants, and enabled them to carry on their commercial operations with all the world. Such part of these goods as found its way back to our hands, came charged with the duties, as well as the profits of the merchant, the ship owner, and a host of others, who found employment in carrying on these immense exchanges; and for such part as was consumed at the north, we received in exchange *northern manufactures*, charged with an increased price, to cover all the taxes which the northern consumer had been compelled to pay on the imported article. It will be seen, therefore, at a glance, how much slave labour has contributed to the wealth and prosperity of the United States, and how largely our northern brethren have participated in the profits of that labour. Sir, on this subject I will quote an authority, which will, I doubt not, be considered by the senator from Massachusetts as entitled to high respect. It is from the great father of the "American system," *honest Matthew Carey*—no great friend, it is true, at this time, to southern rights and southern interests, but not the worst authority on that account, *on the point in question*.

Speaking of the relative importance to the union of the SOUTHERN and EASTERN STATES, Matthew Carey, in the sixth edition of his *Olive Branch*, (page 278,) after exhibiting a number of statistical tables to show the decided superiority of the former, thus proceeds:

"But I am tired of this investigation—I sicken for the honour of the human species. What idea must the world form of the arrogance of the pretensions on the one side, [the east,] and of the folly and weakness of the rest of the union, to have so long suffered them to pass without exposure and detection. The naked fact is, that the demagogues in the eastern states, not satisfied with deriving all the benefits from the southern section of the union, that they would from so many wealthy colonies—with making princely fortunes by the carriage and exportation of its bulky and valuable productions, and supplying it with their own manufactures, and the productions of Europe and the East and West Indies, to an enormous amount, and at an immense profit, have uniformly treated it with outrage, insult, and injury. And regardless of their vital interests, the eastern states were lately courting their own destruction, by allowing a few restless, turbulent men, to lead them blindfolded to a separation which was pregnant with their certain ruin. Whenever that event takes place, they sink into insignificance. If a separation were desirable to any part of the union, it would be to the middle and southern states, particularly to the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude of the eastern states, that their patience has been tried almost beyond endurance. '*Jeshurun waxed fat and kicked*;' and he will be severely punished for his kicking, in the event of a dissolution of the union."

Sir, I wish it to be distinctly understood, that I do not adopt these sentiments as my own. I quote them to show that very different sentiments have prevailed in former times, as to the weakness of the slave-holding states, from those which now seem to have become fashionable in certain quarters. I know it has been supposed by certain ill-informed persons, that the south exists only by the countenance and protection of the north. Sir, this is the idlest of all idle and ridiculous fancies, that ever entered into the mind of man. In every state of this union, except one, the free white population actually preponderates; while in the British West India islands,

ment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance.

(where the average white population is *less than ten per cent. of the whole*;) the slaves are kept in entire subjection; it is preposterous to suppose that the southern states could ever find the smallest difficulty in this respect. On this subject, as in all others, we ask nothing of our northern brethren but to "let us alone." Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed, and may again disturb, our domestic tranquillity, just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity.

There is a *spirit*, which, like the father of evil, is constantly "walking to and fro about the earth, seeking whom it may devour;" it is the spirit of FALSE PHILANTHROPY. The persons whom it possesses, do not indeed throw themselves into the flames, but they are employed in lighting up the torches of discord throughout the community. Their first principle of action is to leave their own affairs, and neglect their own duties, to regulate the affairs and the duties of others. Theirs is the task to feed the hungry, and clothe the naked, of other lands, while they thrust the naked, famished, and shivering beggar, from their own doors; to instruct the heathen, while their own children want the bread of life. When this spirit infuses itself into the bosom of a statesman, (if one so possessed can be called a statesman,) it converts him at once into a visionary enthusiast. Then it is, that he indulges in golden dreams of national greatness and prosperity. He discovers that "liberty is power;" and not content with vast schemes of improvement at home, which it would bankrupt the treasury of the world to execute, he flies to foreign lands, to fulfil obligations to "the human race," by inculcating the principles of "political and religious liberty," and promoting the "general welfare" of the whole human race. It is a spirit which has long been busy with the *slaves of the south*, and is even now displaying itself in vain efforts, to drive the government from its wise policy in relation to the *Indians*. It is this spirit which has filled the land with thousands of wild and visionary projects, which can have no effect but to waste the energies and dissipate the resources of the country. It is the spirit of which the aspiring politician dexterously avails himself, when, by inscribing on his banner the magical words, LIBERTY and PHILANTHROPY, he draws to his support that entire class of persons who are ready to bow down at the very names of their idols.

But, sir, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt, that it has never yet produced any injurious effect on *individual or national character*. Look through the whole history of the country, from the commencement of the revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness, than have been exhibited by the sons of the south? From the FATHER OF HIS COUNTRY, down to the DISTINGUISHED CHIEFTAIN, who has been elevated by a grateful people to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country, and the benefactors of mankind. Look at "the old dominion," great and magnanimous Virginia, "whose jewels are her sons." Is there any state in this union which has contributed so much to the honour and welfare of the country? Sir, I will yield the whole question—I will acknowledge the fatal effects of slavery upon character, if any one can say, that for noble disinterestedness, ardent love of country, exalted virtue, and a pure and holy devotion to liberty, the people of the southern states have ever been surpassed by any in the world. I know, sir, that this *devotion to liberty* has sometimes been supposed to be at war with our institutions; but it is, in some degree, the result of those very institutions. Burke, the most philosophical of statesmen, as he was the most accomplished of orators, well understood the operation of this principle, in elevating the sentiments and exalting the principles of the people in slave-

"And whereas, by the said ordinance it is further ordained, that in no case of law or equity, decided in the courts of the said state, wherein shall be drawn in question the validity of the said ordinance,

holding states. I will conclude my remarks on this branch of the subject, by reading a few passages from his speech, "on moving his resolutions for conciliation with the colonies, the 22d of March, 1775."

"There is a circumstance attending the southern colonies, which makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a *vast multitude of slaves*. Where this is the case, in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, as in countries where it is a common blessing, and as broad and general as the air, that it may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks among them like something more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has, at least, as much of pride as virtue in it; but I can not alter the nature of man. The fact is so, and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such, in our days, were the Poles; and *such will be all masters of slaves, who are not slaves themselves*. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it *invincible*."

In the course of my former remarks, Mr. President, I took occasion to deprecate, as one of the greatest of evils, the *consolidation of this government*. The gentleman takes alarm at the sound. "*Consolidation*," like the "*tariff*," grates upon his ear. He tells us, "we have heard much, of late, about consolidation—that it is the rallying word for all who are endeavouring to *weaken the union*, by adding to the power of the states." But consolidation, says the gentleman, was the very object for which the union was formed; and in support of that opinion, he read a passage from the address of the president of the convention to congress, (which he assumes to be authority on his side of the question.) But, sir, the gentleman is mistaken. The object of the framers of the constitution, as disclosed in that address, was not the *consolidation of the government*, but, "the consolidation of the union." It was not to draw power from the states, in order to transfer it to a great national government, but, in the language of the constitution itself, "to form a *more perfect union*;" and by what means? by "establishing justice," "promoting domestic tranquillity," and "securing the blessings of liberty to ourselves and our posterity." This is the true reading of the constitution. But according to the gentleman's reading, the object of the constitution was to *consolidate the government*, and the means would seem to be, the promotion of *injustice*, causing domestic discord, and depriving the states and the people "of the blessings of liberty" for ever. The gentleman boasts of belonging to the party of NATIONAL REPUBLICANS! National republicans!—a new name, sir, for a very old thing. The national republicans of the present day were the *federalists* of '98, who became *federal republicans* during the war of 1812, and were *manufactured into national republicans* somewhere about the year 1825. As a party, (by whatever name distinguished,) they have always been animated by the same principles, and have kept steadily in view a common object—the *consolidation of the government*.

Sir, the party to which I am proud of having belonged from the very commencement of my political life to the present day, were the *democrats* of '98; *anarchists*, *anti-federalists*, *revolutionists*, I think they were sometimes called. They assumed the name of *democratic republicans* in 1812, and have retained their name and their principles up to the present hour. True to their political faith, they have always, as a party, been in favour of *limitations of power*; they have insisted that all powers not delegated to the federal government are reserved, and have been constantly struggling, as they are now struggling, to preserve the rights of the states, and to prevent them

or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the

from being drawn into the vortex, and swallowed up by one great consolidated government. Sir, any one acquainted with the history of parties in this country, will recognise in the points, now in dispute between the senator from Massachusetts and myself, the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what name you will, and *amalgamate* them as you may) will divide them for ever. The true distinction between those parties is laid down in a celebrated manifesto issued by the convention of the federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the re-election of Governor Eustis. The gentleman will recognise this as "the Canonical Book of political scripture," and it instructs us, that "when the American colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a *NATIONAL UNION*," [not a *federal union*, sir, but a *national union*.] "Those who were in favour of a *union of the states in this form*, became known by the name of *federalists*; those who wanted no union of the states, or disliked the proposed form of union, became known by the name of *anti-federalists*. By means which need not be enumerated, the *anti-federalists* became, after the expiration of twelve years, our national rulers; and, for a period of sixteen years, until the close of Mr. Madison's administration of 1817, continued to exercise the exclusive direction of our public affairs." Here, sir, is the true history of the origin, rise, and progress of the party of *national republicans*, who date back to the very origin of the government, and who, then as now, chose to consider the constitution as having created not a *federal*, but a *national union*, who regarded "consolidation" as no evil, and who, doubtless, consider it "a consummation devoutly to be wished," to build up a great "central government,"—"one and indivisible." Sir, there have existed in every age and every country, two distinct orders of men, the *lovers of freedom*, and the devoted *advocates of power*. The same great leading principles, modified only by peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the *whigs* and *tories* of Great Britain, distinguished in our own times, the *liberals* and *ultras* of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant *Riego*, who devoted himself, and all that he possessed, to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amidst the deafening cries of "long live the absolute king." The people whom I represent, Mr. President, are the descendants of those who brought with them, to this country, as the most precious of their possessions, "an ardent love of liberty," and while that shall be preserved, they will always be found manfully struggling against the *consolidation of the government*, as the worst of evils.

The senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us, that "he hears of nothing but *tariff, tariff, tariff*, and if a word could be found to *rhyme with it*, he presumes it would be celebrated in verse, and set to music." Sir, perhaps the gentleman, in *mockery of our complaints*, may be himself disposed to sing the praises of the tariff in doggerel verse, to the tune of "Old Hundred." I am not at all surprised, however, at the aversion of the gentleman to the very name of *tariff*. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the senator from Massachusetts was a leading actor at a great meeting got up in Boston, in 1820, *against the tariff*. It has generally been supposed, that he drew up the resolutions adopted by that meeting, denouncing the tariff system, as unequal, oppressive, and unjust, and, if I am not much mistaken, *denying its constitutionality*. Certain it is, that the gentleman made a speech on that occasion, in support of those resolutions, denouncing the system in no very measured terms, and, if my memory serves me, *calling its constitutionality in question*. I regret that I have not been able to lay my hands on those proceed-

record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court:

"And, finally, the said ordinance declares, that

ings, but I have seen them, and I can not be mistaken in their character. At that time, sir, the senator from Massachusetts entertained the very sentiments, in relation to the tariff, which the south now entertains. We next find the senator from Massachusetts expressing his opinion on the tariff as a member of the house of representatives from the city of Boston, in 1824. On that occasion, sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth, the powerful and fearless champion of *free trade*. He met in that conflict the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fulness of knowledge, and a richness of illustration, that has never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great indeed was the victory achieved by the gentleman on that occasion; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and wretched sophistry of another distinguished orator, who may be truly said to have "held up his farthing candle to the sun." Sir, the senator from Massachusetts, on that, the proudest day of his life, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and "inscribed the marble with his name." Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor, supporting, advocating, and finally voting for the tariff of 1828—that "bill of abominations." By that act, sir, the senator from Massachusetts has destroyed the labours of his whole life, and given a wound to the cause of free trade, never to be healed. Sir, when I recollect the position which that gentleman once occupied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much in relation to the tariff as a certain knight did to "instinct," and with him would be disposed to exclaim,

"Ah, no more of that Hal, an thou lov'st me."

But, Mr. President, to be serious, what are we, of the south, to think of what we have heard this day? The senator from Massachusetts tells us, that the tariff is not an eastern measure, and treats it as if the east had no interest in it. The senator from Missouri insists it is not a western measure, and that it has done no good to the west. The south comes in, and in the most earnest manner represents to you, that this measure, which we are told "is of no value to the east or the west," is "utterly destructive of our interests." We represent to you, that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare, that we believe the system to be wholly unconstitutional, and a violation of the compact between the states and the union, and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate, that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country, that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the union at so low a price, that they will not even make one effort to bind the states together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be adminis-

the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by congress abolishing

tered? If so, let me tell gentlemen, the seeds of dissolution are already sown, and our children will reap the bitter fruit.

The honourable gentleman from Massachusetts, (Mr. Webster,) while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would "have passed by me as the idle wind, which I regard not." But, when he goes on to give to his accusation a local habitation and a name, by quoting the expression of a distinguished citizen of South Carolina, (Dr. Cooper,) "that it was time for the south to calculate the value of the union," and, in the language of the bitterest sarcasm, adds, "surely, then, the union can not last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness, that this controversy is not of my seeking. The senate will do me the justice to remember, that at the time this unprovoked and uncalled for attack was made upon the south, not one word had been uttered by me in disparagement of New England, nor had I made the most distant allusion, either to the senator from Massachusetts, or the state he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the south through me, the most unworthy of her servants. He has crossed the border, he has invaded the state of South Carolina, is making war upon her citizens, and endeavouring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold. I will struggle while I have life, for our altars and our fire-sides, and if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border, I will carry the war into the enemies' territory, and not consent to lay down my arms, until I shall have obtained "indemnity for the past, and security for the future." It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty. I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to the performance of my duty; be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The senator from Massachusetts has thought proper to cast the first stone, and if he shall find, according to a homely adage, "that he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honour of South Carolina—of that my constituents shall judge. If there be one state in this union, Mr. President, (and I say it not in a boastful spirit,) that may challenge comparison with any other, for a uniform, zealous, ardent, and *uncalculating devotion* to the union, that state is South Carolina. Sir, from the very commencement of the revolution, up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity, but in your adversity, she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded by difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together on the temple, bringing their gifts to the altar of their common country. What, sir, was the conduct of the south during the revolution? Sir, I honour New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honour is due to the south. They espoused the quarrel of their brethren, with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favourites of the mother country, possessed of neither ships nor seamen to create commercial rivalry, they might have found in their situation a guarantee, that their trade would be for ever fostered

or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal

and protected by Great Britain. But, trampling on all considerations either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all in the sacred cause of freedom. Never was there exhibited in the history of the world, higher examples of noble daring, dreadful suffering, and heroic endurance, than by the whigs of Carolina, during the revolution. The whole state, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens! Black and smoking ruins marked the places which had been the habitations of her children! Driven from their homes, into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumpters and her Marions) proved, by her conduct, that though her soil might be overrun, the spirit of her people was invincible.

But, sir, our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle. I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the revolution of '76. The revolution of '98 restored the constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, "saved the constitution at its last gasp." And by whom was it achieved? By the south, sir, aided only by the democracy of the north and west.

I come now to the war of 1812, a war which I well remember was called, in derision, (while its event was doubtful,) the southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honour and prosperity of the country, than all other events in our history put together. What, sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of northern shipping, and New England seamen, that the country flew to arms. What interest had the south in that contest? If they had sat down coldly to calculate the value of their interests involved in it, they would have found that they had every thing to lose, and nothing to gain. But, sir, with that generous devotion to country so characteristic of the south, they only asked, if the rights of any portion of their fellow-citizens had been invaded; and when told that northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honour of their country was assailed; and acting on that exalted sentiment, "which feels a stain like a wound," they resolved to seek, in open war, for a redress of those injuries, which it did not become freemen to endure. Sir, the whole south, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed, in any degree, to the success of that war, to which southern councils and southern valour did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak it to her praise, that at the very moment when, in one quarter, we heard it solemnly proclaimed, "that it did not become a religious and moral people to rejoice at the victories of our army or our navy," her legislature unanimously

"Resolved, That we will cordially support the government in the vigorous prosecution of the war, until a peace can be obtained on honourable terms; and we will cheerfully submit to every privation that may be required of us, by our government, for the accomplishment of this object."

South Carolina redeemed that pledge. She threw open her treasury to the government. She put at the absolute disposal of the officers of the United States all that she possessed—her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defence of her maritime frontier; ordered a brigade of state troops to be raised; and, when left to pro-

government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals

tect herself by her own means, never suffered the enemy to touch her soil, without being instantly driven off or captured.

Such, sir, was the conduct of the south—such the conduct of my own state, in that dark hour “which tried men’s souls.”

When I look back and contemplate the spectacle exhibited at that time, in another quarter of the union; when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts; nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the democracy of New England; for they have been in times past, as they are now, the friends and allies of the south. No, sir, the accusation comes from that party whose acts, during the most trying and eventful period of our national history, were of such a character, that their own legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honour of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain, the events of that day! Sir, I shall not attempt to write the history of the party in New England, to which I have alluded—the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove, that the peace party of Massachusetts were the only defenders of their country, during the war, and actually achieved all our victories, by land and sea. In the mean time, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connexion with the war, and the events which immediately preceded it.

It will be recollected, sir, that our great cause of quarrel with Great Britain, were her depredations on northern commerce, and the impressment of New England seamen. From every quarter we were called upon for protection. Importunate as the west is now represented to be, on another subject, the importunity of the east, on that occasion, was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances, from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon congress for redress. Sir, I can not stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain, which threatened “to sweep our commerce from the face of the ocean,” and “to involve our merchants in bankruptcy,” they called upon the government “to assert our rights, and to adopt such measures as will support the dignity and honour of the United States.”

From Salem, we heard a language still more decisive; they call explicitly for “an appeal to arms,” and pledge their lives and property in support of any measures which congress might adopt. From Newburyport, an appeal was made “to the firmness and justice of the government to obtain compensation and protection.” It was here, I think, that when the war was declared, it was resolved “to resist our own government, even unto blood!” (Olive Branch, p. 101.)

In other quarters, the common language of that day was, that our commerce and our seamen were entitled to protection, and that it was the duty of the government to afford it at every hazard. The conduct of Great Britain, we were then told, was “an outrage upon our national independence.” These clamours, which commenced as early as January, 1806, were continued up to 1812. In a message from the governor of one of the New England states, as late as the 10th of October, 1811, this language is held: “a manly and decisive course has become indispensable: a course to satisfy foreign nations, that while we desire peace, we have the means and

of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said state will thenceforth hold

the spirit to repel aggression. We are false to ourselves, when our commerce or our territory is invaded with impunity.”

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavouring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches: “smoke, smoke,” (says one writer,) “my life on it, our executive has no more idea of declaring war, than my grandmother.” “The committee of ways and means,” (says another,) “have come out with their Pandora’s box of taxes, and yet nobody dreams of war.” “Congress do not mean to declare war; they dare not.” But why multiply examples? An honourable member of the other house, from the city of Boston, (Mr. Quincy, in a speech delivered on the 3d of April, 1812, says, “Neither promises, nor threats, nor asseverations, nor oaths, will make me believe that you will go to war. The navigation states are sacrificed, and the spirit and character of the country prostrated by fear and avarice.” “You can not,” said the same gentleman, on another occasion, “be kicked into a war.”

Well, sir, the war at length came, and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds; the scales fell from their eyes, and it was discovered that the war was declared from “subserviency to France;” and that congress and the executive “had sold themselves to Napoleon;” that Great Britain had, in fact, “done us no essential injury;” that she “was the bulwark of our religion;” that where “she took one of our ships, she protected twenty;” and that if Great Britain had impressed a few of our seamen, it was because “she could not distinguish them from her own.” And so far did this spirit extend, that a committee of the Massachusetts legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the south, in behalf of the “thousands of impressed Americans,” who had been torn from their families and friends, and “immured in the floating dungeons of Britain.” The most touching pictures were drawn of the hard condition of the American sailor, “treated like a slave,” forced to fight the battles of his enemy, “lashed to the mast to be shot at like a dog.” But, sir, the very moment we had taken up arms in their defence, it was discovered that all these were mere “fictions of the brain,” and that the whole number in the state of Massachusetts was but eleven; and that even these had been “taken by mistake.” Wonderful discovery! The secretary of state had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere*, the *Macedonian*, the *Java*, and other British ships, (captured by the skill and gallantry of those heroes, whose achievements are the treasured monuments of their country’s glory,) fixed the number at seven thousand; and yet, it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war indeed! Their ships, too, the capture of which had threatened “universal bankruptcy,” it was discovered that Great Britain was their friend and protector; “where she had taken one, she had protected twenty.” Then was the discovery made, that subserviency to France, hostility to commerce, “a determination on the part of the south and the west to break down the eastern states;” and especially, (as reported by a committee of the Massachusetts legislature,) “to force the sons of commerce to populate the wilderness,” were the true causes of the war. (Olive Branch, pages 134, 291.)

But let us look a little further into the conduct of the peace party of New England, at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect, that when once involved in the contest, all America would have cordially united in its support. Sir, the war

themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other states, and will forthwith

effected, in its progress, a union of all parties at the south. But not so in New England; there, great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the union, to force the president from his seat. Yes, sir, "the island of Elba! or a halter!" were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed, by openly carrying on illicit trade with the enemy; by permitting that enemy to establish herself on the very soil of Massachusetts; and by opening a free trade between Great Britain and America, with a separate custom-house. Yes, sir, those who can not endure the thought that we should insist on a free trade in time of profound peace, could, without scruple, claim and exercise the right of carrying on a free trade with the enemy in a time of war; and, finally, by getting up the renowned "Hartford convention," and preparing the way for an open resistance to the government, and a separation of the states. Sir, if I am asked for the proof of those things, I fearlessly appeal to contemporary history, to the public documents of the country, to the recorded opinion and acts of public assemblies, to the declaration and acknowledgments, since made, of the executive and legislature of Massachusetts herself.

Sir, the time has not been allowed me to trace this subject through, even if I had been disposed to do so. But I can not refrain from referring to one or two documents, which have fallen in my way since this debate began. I read, sir, from the Olive Branch of Matthew Carey, in which are collected "the actings and doings" of the peace party of New England, during the continuance of the embargo and the war. I know the senator from Massachusetts will respect the high authority of his political friend and fellow-labourer in the great cause of "domestic industry."

In page 301 of this work, is a detailed account of the measures adopted in Massachusetts during the war, for the express purpose of embarrassing the financial operations of the government, by preventing loans, and thereby driving our rulers from their seats, and forcing the country into a dishonourable peace. It appears that the Boston banks commenced an operation, by which a run was to be made upon all the banks to the south; at the same time stopping their own discounts, the effect of which was to produce a sudden and most alarming diminution of the circulating medium, and universal distress over the whole country, a distress which they failed not to attribute to the "unholy war."

To such an extent was this system carried, that it appears from a statement of the condition of the Boston banks, made up in January, 1814, that with nearly \$5,000,000 of specie in their vaults, they had but \$2,000,000 of bills in circulation. It is added by Carey, that at this very time an extensive trade was carried on in British government bills, for which specie was sent to Canada, for the payment of the British troops, then laying waste our northern frontier, and this too at the very moment when New England ships, sailing under British licenses, (a trade declared to be lawful by the courts both of Great Britain and Massachusetts,) were supplying with provisions those very armies destined for the invasion of our own shores. Sir, the author of the Olive Branch, with a holy indignation, denounces these acts as "treasonable!" "giving aid and comfort to the enemy." I shall not follow his example. But I will ask, with what justice or propriety can the south be accused of disloyalty from that quarter? If we had any evidence that the senator from Massachusetts had admonished his brethren then, he might, with a better grace, assume the office of admonishing us now.

When I look at the measures adopted in Boston at that day, to deprive the government of the necessary means for carrying on the war, and think of the success and the consequences of these measures, I feel my pride as an American humbled in the dust. Hear, sir, the language of that day; I read from pages 301 and 302 of the Olive Branch: "Let no man who wishes to continue the war, by active means, by vote, or lending money, dare to prostrate himself at the altar on the fast day." "Will federalists subscribe to the

proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do:

loan? Will they lend money to our national rulers? It is impossible. First, because of the principal; and, secondly, because of the principal and interest." "Do not prevent the abusers of their trust from becoming bankrupt. Do not prevent them from becoming odious to the public, and being replaced by better men." "Any federalist who lends money to government, must go and shake hands with James Madison, and claim fellowship with Felix Grundy. (I beg pardon of my honourable friend from Tennessee; but he is in good company. I had thought it was 'James Madison, Felix Grundy, and the devil.') Let him no more call himself a federalist, and a friend to his country—he will be called by others infamous," &c.

Sir, the spirit of the people sunk under these appeals. Such was the effect produced by them on the public mind, that the very agents of the government (as appears from their public advertisements, now before me) could not obtain loans, without a pledge that "the names of the subscribers should not be known." Here are the advertisements: "the names of all subscribers (say Gilbert and Dean, the brokers employed by government) shall be known only to the undersigned." As if those who came forward to aid their country in the hour of her utmost need, were engaged in some dark and foul conspiracy, they were assured "that their names should not be known." Can any thing show more conclusively the unhappy state of public feeling, which prevailed at that day, than this single fact? Of the same character with these measures was the conduct of Massachusetts, in withholding her militia from the service of the United States, and devising measures for withdrawing her quota of the taxes, thereby attempting, not merely to cripple the resources of the country, but actually depriving the government (as far as depended upon her) of all the means of carrying on the war—of the bone, and muscle, and sinews of war—"of man and steel—the soldier and his sword." But it seems Massachusetts was to reserve her resources for herself—she was to defend and protect her own shores. And how was that duty performed? In some places on the coast neutrality was declared, and the enemy was suffered to invade the soil of Massachusetts, and allowed to occupy her territory, until the peace, without one effort to rescue it from his grasp. Nay, more, while our own government and our rulers were considered as enemies, the troops of the enemy were treated like friends—the most intimate commercial relations were established with them, and maintained up to the peace. At this dark period of our national affairs, where was the senator from Massachusetts? How were his political associates employed? "Calculating the value of the union?" Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for her existence against the colossal power of Great Britain, "concentrated in one mighty effort to crush us at a blow"—that was the chosen hour to revive the grand scheme of building up "a great northern confederacy"—a scheme which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely abandoned. In the language of the writers of that day, (1796,) "rather than have a constitution such as the anti-federalists were contending for, (such as we now are contending for,) the union ought to be dissolved;" and to prepare the way for that measure, the same methods were resorted to then, that have always been relied on for that purpose, exciting prejudice against the south. Yes, sir, our northern brethren were then told, "that if the negroes were good for food, their southern masters would claim the right to destroy them at pleasure." (Olive Branch, p. 267.) Sir, in 1814, all these topics were revived. Again we heard of "a northern confederacy;" "the slave states by themselves;" "the mountains are the natural boundary;" we want neither "the counsels nor the power of the west," &c. &c. The papers teemed with accusations against the south and the west, and the calls for a dissolution of all connexion with them, were loud and strong. I can not consent to go through the disgusting details. But to show the height to which the spirit of disaffection was carried, I will take you to the temple of the living God, and show you *that sacred place* (which should be devoted to the exten-

"And whereas, the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United

sion of "peace on earth and good will towards men," where "*one day's truce* ought surely to be allowed to the dissensions and animosities of mankind") converted into a *fiere arena of political strife*, where, from the lips of the priest standing between the horns of the altar, there went forth the most *terrible denunciations* against all who should be true to their country, in the hour of her utmost need.

"If you do not wish," said a reverend clergyman, in a sermon preached in Boston, on the 23d of July, 1812, "to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either, *in the language of the day*, cut the connexion, or so far alter the national compact, as to ensure to yourselves a due share in the government." (Olive Branch, page 319.) "The union," says the same writer, (page 320,) "has been long since virtually dissolved, and it is full time that this part of the disunited states should take care of itself."

Another reverend gentleman, pastor of a church at Medford, (page 321,) issues his anathema—"LET HIM STAND ACCUSED"—against all who, by their "personal services," or "loans of money," "conversation," or "writing," or "influence," gives countenance or support to the unrighteous war, in the following terms: "that man is an accomplice in the wickedness—he loads his conscience with the blackest crimes—he brings the guilt of blood upon his soul, and, in the sight of God and his law, *he is a MURDERER.*"

One or two more quotations, sir, and I shall have done. A reverend doctor of divinity, the pastor of a church at Byfield, Massachusetts, on the 7th of April, 1814, thus addresses his flock, (page 321)—"The Israelites became weary of yielding the fruit of their labour to pamper their splendid tyrants. They left their political woes. *THEY SEPARATED.* Where is our Moses? Where the rod of his miracles? Where is our Aaron? Alas! no voice from the burning bush has directed them here."

"We must trample on the mandates of despotism, or remain slaves for ever." (Page 322.) "You must drag the chains of Virginian despotism, unless you discover some other mode of escape." "Those western states, which have been violent for this abominable war, those states which have thirsted for blood—God has given them blood to drink." (Page 323.) Mr. President, I can go no further. The records of the day are full of such sentiments, issued from the press, spoken in public assemblies, pouring out from the sacred desk! God forbid, sir, that I should charge the people of Massachusetts with participating in these sentiments. The south and the west had there, their friends—men who stood by their country, though encompassed all around by their enemies. The senator from Massachusetts (Mr. Silsbee) was one of them; the senator from Connecticut (Mr. Foot) was another; and there are others now on this floor. The sentiments I have read were the sentiments of a party embracing the political associates of the gentleman from Massachusetts. If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions even of the peace party of New England. But, sir, they were the common language of that day; they pervaded the whole land; they were issued from the legislative hall, from the pulpit, and the press. Our books are full of them. And there is no man who now hears me, but knows, that they were the sentiments of a party, by whose members they were promulgated. Indeed, no evidence of this would seem to be required, beyond the fact, that such sentiments found their way even into the pulpits of New England. What must be the state of public opinion, where any respectable clergyman would venture to preach, and to print sermons, containing the sentiments I have quoted? I doubt not the piety or moral worth of these gentlemen. I am told they were respectable and pious men. But they were men, and they "kindled in a common blaze." And now, sir, I must be suffered to remark, that at this awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the union, and so much anxiety lest it should be endangered from the south, was "with his brethren in Israel." He saw all these things passing before his

States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the union—that union which, coeval

eyes—he heard these sentiments uttered all around him. I do not charge that gentleman with any participation in these acts, or with approving of these sentiments.

But I will ask why, if he was animated by the same sentiments then, which he now professes, if he can "augur disunion at a distance, and snuff up rebellion in every tainted breeze," why he did not, at that day, exert his great talents and acknowledged influence with the political associates by whom he was surrounded, (and who then, as now, looked up to him for guidance and direction,) in allaying this general excitement; in pointing out to his deluded friends the value of the union, in instructing them, that, instead of looking "to some prophet to lead them out from the land of Egypt," they should become reconciled to their brethren, and unite with them in the support of a just and necessary war? Sir, the gentleman must excuse me for saying, that if the records of our country afforded any evidence that he had pursued such a course, then if we could find it recorded in the history of those times, that, like the immortal Dexter, he had breasted that mighty torrent, which was sweeping before it all that was great and valuable in our political institutions; if, like him, he had stood by his country in opposition to his party, sir, we would, like little children, listen to his precepts, and abide by his counsels.

As soon as the public mind was sufficiently prepared for the measure, the celebrated Hartford convention was got up; not as the act of a few unauthorized individuals, but by authority of the legislature of Massachusetts; and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party, of which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly: I knew many of them to be, in private life, accomplished and honourable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say, that if the authors of the Hartford convention believed, that "gross, deliberate, and palpable violations of the constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when, and the circumstances under which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the government was involved. It will be recollected, that its credit was nearly gone, Washington had fallen, the whole coast was blockaded, and an immense force collected in the West Indies, was about to make a descent, which it was supposed we had no means of resisting. In this awful state of our public affairs, when the government seemed almost to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission," we beheld the peace party of New England (in the language of the work before us) "pursuing a course calculated to do more injury to their country, and to render England more effective service, than all her armies." Those who could not find it in their hearts to rejoice at our victories, sang *Te Deum* at the king's chapel in Boston, for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerriere*, could give visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and, in the gloomy hours of midnight, the very lights burned blue. Such were the dark and portentous signs of the times, which ushered into being the renowned Hartford convention. That convention met, and from their proceedings it appears, that their chief object was to keep back the men and money of New England from the service of the union, and to effect radical changes in the government—changes that can never be effected without a dissolution of the union.

Let us now, sir, look at their proceedings. I read from "a short

with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle

account of the Hartford convention," (written by one of its members,) a very rare book, of which I was fortunate enough, a few years ago, to obtain a copy.

It appears at page 6 of "the account," that by a vote of the house of representatives of Massachusetts, [260 to 90,] delegates to this convention were ordered to be appointed, to consult upon the subject "of their public grievances and concerns," and upon "the best means of preserving their resources," and for procuring a revision of the constitution of the United States, "more effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation."

The convention assembled at Hartford on the 15th of December, 1814. On the next day it was

"Resolved, That the most inviolable secrecy shall be observed by each member of this convention, including the secretary, as to all propositions, debates, and proceedings thereof, until this injunction shall be suspended or altered."

On the 24th of December, the committee appointed to prepare and report a general project of such measures as may be proper for the convention to adopt, reported, among other things,

"1. That it was expedient to recommend to the legislatures of the states, the adoption of the most effectual and decisive measures to protect the militia and the states from the usurpations contained in these proceedings." [The proceedings of congress and the executive, in relation to the militia and the war.]

"2. That it was expedient also to prepare a statement exhibiting the necessity which the improvidence and inability of the general government have imposed upon the states of providing for their own defence, and the impossibility of their discharging this duty, and at the same time fulfilling the requisitions of the general government; and also to recommend to the legislatures of the several states to make provision for mutual defence, and to make an earnest application to the government of the United States, with a view to some arrangement whereby the states may be enabled to retain a portion of the taxes levied by congress, for the purposes of self-defence, and for the reimbursement of expenses already incurred on account of the United States.

"3. That it is expedient to recommend to the several state legislatures certain amendments to the constitution, viz.:

"That the power to declare or make war by the congress of the United States be restricted.

"That it is expedient to attempt to make provision for restraining congress in the exercise of an unlimited power to make new states, and admit them into the union.

"That an amendment be proposed respecting slave representation and slave taxation."

On the 29th of December, 1814, it was proposed "that the capacity of naturalized citizens to hold offices of trust, honour, or profit, ought to be restrained," &c.

The subsequent proceedings are not given at large; but it seems that the report of the committee was adopted, and also a recommendation of certain measures (of the character of which we are not informed) to the states for their mutual defence; and having voted "that the injunction of secrecy, in regard to all the debates and proceedings of the convention, (except so far as relates to the report finally adopted,) be continued," the convention adjourned *sine die*, but (as it was supposed) to meet again when circumstances should require it.

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this history, if the measures recommended had been carried into effect; and if, with the men and money of New England withheld from the government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy; and if, without troops and almost destitute of money, the southern and the western states had been thrown upon their own resources for the prosecution of the war, and the recovery of New Orleans? Sir, whatever may have been the issue of the contest, the union must have been dissolved. But a wise and just Providence, which "shapes our ends,

to a glorious independence—that sacred union, hitherto inviolate, which, perfected by our happy constitution, has brought us, by the favour of Heaven,

rough-hew them as we will," gave us the victory, and crowned our efforts with a glorious peace. The ambassadors of Hartford were seen retracing their steps from Washington, "the bearers of the glad tidings of great joy." Courage and patriotism triumphed—the country was saved—the union was preserved. And are we, Mr. President, who stood by our country then; who threw open our coffers; who bared our bosoms; who freely periled all in that conflict, to be reproached with want of attachment to the union? If, sir, we are to have lessons of patriotism read to us, they must come from a different quarter. The senator from Massachusetts, who is now so sensitive on all subjects connected with the union, seems to have a memory forgetful of the political events that have passed away. I must, therefore, refresh his recollection a little further on these subjects. The history of disunion has been written by one whose authority stands too high with the American people to be questioned—I mean Thomas Jefferson. I know not how the gentleman may receive this authority. When that great and good man occupied the presidential chair, I believe he commanded no portion of that gentleman's respect.

I hold in my hand a celebrated pamphlet on the embargo, in which language is held in relation to Mr. Jefferson, which my respect for his memory will prevent me from reading—unless any gentleman should call for it. But the senator from Massachusetts has since joined in singing hosannas to his name—he has assisted at his apotheosis, and has fixed him as "a brilliant star in the clear upper sky." I hope, therefore, he is now prepared to receive with deference and respect the high authority of Mr. Jefferson. In the fourth volume of his memoirs, which has just issued from the press, we have the following history of disunion from the pen of that illustrious statesman: "Mr. Adams called on me pending the embargo, and while endeavours were making to obtain its repeal; he spoke of the dissatisfaction of the eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it; that there was nothing which might not be attempted to rid themselves of it; that he had information of the most unquestionable certainty, that certain citizens of the eastern states (I think he named Massachusetts particularly) were in negotiation with the agents of the British government, the object of which was an agreement, that the New England states should take no further part in the war [the commercial war, the "war of restrictions," as it was called] then going on; and that without formally declaring their separation from the union, they should withdraw from all aid and obedience to them, &c. From that moment, says Mr. Jefferson, I saw the necessity of abandoning it, [the embargo,] and, instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the union." In another letter, Mr. Jefferson adds: "I doubt whether a single fact known to the world, will carry as clear conviction to it of the correctness of our knowledge of the treasonable views of the federal party of that day, as that disclosed by this the most nefarious and daring attempt to dis sever the union, of which the Hartford convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the feelings and principles of '76, now look to a single and splendid government, &c., riding and ruling over the plundered ploughman and beggared yeomanry."—(4th vol. p. 419, 422.)

The last chapter, says Mr. Jefferson, of that history, is to be found in the conduct of those who are endeavouring to bring about consolidation: aye, sir, that very consolidation for which the gentleman from Massachusetts is contending—the exercise by the federal government, of powers not delegated in relation to "internal improvements," and the "protection of manufactures." And why, sir, does Mr. Jefferson consider consolidation as leading directly to disunion? Because he knew that the exercise by the federal government of the powers contended for, would make this "a government without limitation of powers," the submission to which he considered as a greater evil than disunion itself. There is one

to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations. To preserve this bond of our political ex-

chapter in this history, however, which Mr. Jefferson has not filled up, and I must therefore supply the deficiency. It is to be found in the protests made by New England against the acquisition of Louisiana. In relation to that subject, the New England doctrine is thus laid down by one of her learned political doctors of that day, now a doctor of laws, at the head of the great literary institution of the east; I mean Josiah Quincy, president of Harvard College. I quote from the speech delivered by that gentleman on the floor of congress, on the occasion of the admission of Louisiana into the union.

"Mr. Quincy repeated and justified a remark he had made, which, to save all misapprehensions, he had committed to writing, in the following words: 'If this bill passes, it is my deliberate opinion, that it is virtually a dissolution of the union; that it will free the states from their moral obligation; and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must.'"

Mr. President, I wish it to be distinctly understood, that all the remarks I have made on this subject, are intended to be exclusively applied to a party, which I have described as the "peace party of New England"—embracing the political associates of the senator from Massachusetts—a party which controlled the operations of that state during the embargo and the war, and who are justly chargeable with all the measures I have reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits and hardy virtues, I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the revolution, by one whose praise is the highest eulogy, "that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise, have been more than equalled by this 'recent people.' " Hardy, enterprising, sagacious, industrious, and moral, the people of New England, of the present day, are worthy of their ancestors. Still less, Mr. President, has it been my intention to say any thing that could be construed into a want of respect for that party, who, trampling on all narrow, sectional feelings, have been true to their principles in the worst of times—I mean the democracy of New England.

Sir, I will declare, that, highly as I appreciate the democracy of the south, I consider even higher praise to be due to the democracy of New England—who have maintained their principles "through good and through evil report;" who, at every period of our national history, have stood up manfully for "their country, their whole country, and nothing but their country." In the great political revolution of '98, they were found united with the democracy of the south, marching under the banner of the constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and most gloomy period of the war, when our country stood single handed against "the conqueror of the conquerors of the world;" when all about and around them was dark and dreary, disastrous and discouraging, they stood a Spartan band in that narrow pass, where the honour of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, sir; struggling, side by side, with their brethren of the south and the west, for popular rights, and assisting in that glorious triumph by which the man of the people was elevated to the highest office in their gift.

Who, then, Mr. President, are the true friends of the union? Those who would confine the federal government strictly within the limits prescribed by the constitution; who would preserve to the states and the people all powers not expressly delegated; who would make this a federal, and not a national union, and who, administering the government in a spirit of equal justice, would make it a blessing, and not a curse. And who are its enemies? Those who are in favour of consolidation—who are constantly stealing power from the states, and adding strength to the federal govern-

ment. Who, assuming an unwarrantable jurisdiction over the states and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the union, who sacrifice the equal rights which belong to every member of the confederacy to combinations of interested majorities, for personal or political objects. But the gentleman apprehends no evil from the dependence of the states on the federal government; he can see no danger of corruption from the influence of money or of patronage. Sir, I know that it is supposed to be a wise saying, "that patronage is a source of weakness," and in support of that maxim, it has been said, that "every ten appointments makes a hundred enemies." But I am rather inclined to think, with the eloquent and sagacious orator now reposing on his laurels on the banks of the Roanoke, that "the power of conferring favours creates a crowd of dependants;" he gave a forcible illustration of the truth of the remark, when he told us of the effect of holding up the savoury morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on Towser or Sweetlips, "Tray, Blanch, or Sweetheart," while held in suspense, they were all governed by a nod, and when the morsel was bestowed, the expectation of the favours of to-morrow kept up the subjection of to-day.

The senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea, that a state has any constitutional remedy, by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the constitution." He calls it "an idle," or "a ridiculous notion," or something to that effect, and added, that it would make the union "a mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies, and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the legislature, in December, 1828, and published by their authority, is the good old republican doctrine of '98—the doctrine of the celebrated "Virginia resolutions" of that year, and of "Madison's report" of '99. It will be recollected, that the legislature of Virginia, in December, '98, took into consideration the alien and sedition laws, then considered by all the republicans as a gross violation of the constitution of the United States, and on that day passed, among others, the following resolution:

"The general assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties, appertaining to them."

In addition to these resolutions, the general assembly of Virginia "appealed to the other states, in the confidence that they would concur with that commonwealth, that the acts aforesaid [the alien and sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for co-operating with Virginia in maintaining unimpaired the authorities, rights, and liberties, reserved to the states respectively, or to the people."

The legislatures of several of the New England states having, contrary to the expectation of the legislature of Virginia, expressed their dissent from these doctrines, the subject came up again for consideration during the session of 1799, 1800, when it was referred to a select committee, by whom was made that celebrated report, which is familiarly known as "Madison's report," and which

me, I, ANDREW JACKSON, *President of the United States*, have thought proper to issue this my PROCLAMATION, stating my views of the constitution

deserves to last as long as the constitution itself. In that report, which was subsequently adopted by the legislature, the whole subject was deliberately re-examined, and the objections urged against the Virginia doctrines carefully considered. The result was, that the legislature of Virginia re-affirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report, which has stamped the character of Mr. Madison as the preserver of that constitution which he had contributed so largely to create and establish. I will here quote from Mr. Madison's report one or two passages which bear more immediately on the point in controversy. "The resolution having taken this view of the federal compact," proceeds to infer, "that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties, appertaining to them."

"It appears to your committee to be a plain principle, founded on common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal, superior to the authority of the parties, *the parties themselves must be the rightful judges* in the last resort, whether the bargain made has been pursued or violated. The constitution of the United States was formed by the sanction of *the states*, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the constitution, that it rests on this legitimate and solid foundation. The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be *no tribunal above their authority*, to decide in the last resort, whether the compact made by them be violated, and consequently, that as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

"The resolution has guarded against any misapprehension of its object, by expressly requiring for such an interposition 'the case of a *deliberate, palpable, and dangerous* breach of the constitution, by the exercise of *powers not granted* by it.' It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the constitution was established."

"But the resolution has done more than guard against misconception, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition, which it contemplates to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties, appertaining to the states, as parties to the constitution."

"From this view of the resolution, it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the federal constitution, shall candidly and accurately interpret the meaning of the general assembly. If the deliberate exercise of dangerous powers, palpably withheld by the constitution, could not justify the parties to it, in interposing even so far as to arrest the progress of the evil, and thereby to preserve the constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognised under all the state constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared."

But, sir, our authorities do not stop here. The state of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the declaration of American independence. In those resolutions, the legislature of Kentucky declare, "that the government created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among

and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the

parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

At the ensuing session of the legislature, the subject was re-examined, and on the 14th of November, 1799, the resolutions of the preceding year were deliberately re-affirmed, and it was, among other things, solemnly declared,

"That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the state governments, and the erection upon their ruins of a general consolidated government, will be the inevitable consequence. That the principle and construction contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the constitution, would be the measure of their powers. That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy."

Time and experience confirmed Mr. Jefferson's opinion on this all important point. In the year 1821, he expressed himself in this emphatic manner: "It is a fatal heresy to suppose that either our state governments are superior to the federal, or the federal to the state; neither is authorized literally to decide which belongs to itself or its copartner in government; in differences of opinion between their different sets of public servants, the appeal is to neither, but to their employers, peaceably assembled by their representatives in convention." The opinion of Mr. Jefferson on this subject has been so repeatedly and so solemnly expressed, that they may be said to have been among the most fixed and settled convictions of his mind.

In the protest prepared by him for the legislature of Virginia, in December, 1825, in respect to the powers exercised by the federal government in relation to the tariff and internal improvements, which he declares to be "usurpations of the powers retained by the states, mere interpolations into the compact, and direct infractions of it,"—he solemnly reasserts all the principles of the Virginia resolutions of '98—protests against "these acts of the federal branch of the government, as null and void, and declares, that although Virginia would consider a dissolution of the union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater—submission to a government of unlimited powers. It is only when the hope of this shall become absolutely desperate, that further forbearance could not be indulged."

In his letter to Mr. Giles, written about the same time, he says: "I see, as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the state, and the consolidation in itself of all powers, foreign and domestic, and that too, by constructions which leave no limits to their powers, &c. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, &c. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads and digging canals, &c. And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them, &c. Are we then to stand to our arms, with the hot-headed Georgian? No—[and I say no, and South Carolina has said no]—that must be the last resource. We must have patience and long endurance with our brethren, &c. and separate from our companions only when the sole alternatives left are a dissolution of our union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation."

course which duty will require me to pursue, and appealing to the understanding and patriotism of the people, warn them of the consequences that must

Such, sir, are the high and imposing authorities in support of "the Carolina doctrine," which is, in fact, the doctrine of the Virginia resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the federal and republican parties, and the great political revolution which then took place turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen whether South Carolina has not manifested a high regard for the union, when under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no further than to petition, remonstrate, and solemnly to protest against a series of measures which she believes to be wholly unconstitutional, and utterly destructive of her interests? Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go, in relation to the very subject of our present complaints; not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a state to judge of the violations of the constitution on the part of the federal government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citizens of Boston, who assembled in Faneuil Hall, on the 25th of January, 1809. They state, in that celebrated memorial, that "they looked only to the state legislature, who were competent to devise relief against the unconstitutional acts of the general government. That your power (say they) is adequate to that object, is evident from the organization of the confederacy."

A distinguished senator from one of the New England states, [Mr. Hillhouse,] in a speech delivered here, on a bill for enforcing the embargo, declared, "I feel myself bound in conscience to declare, (lest the blood of those who shall fall in the execution of this measure, shall be on my head,) that I consider this to be an act which directs a mortal blow at the liberties of my country—an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And the senator from Massachusetts himself, in a speech delivered on the same subject, in the other house, said, "This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of the government. The experience of every day confirms these sentiments. Men who act from such motives, are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly." How "the being of the government" was to be endangered by "constitutional opposition" to the embargo, I leave to the gentleman to explain.

Thus, it will be seen, Mr. President, that the South Carolina doctrine is the republican doctrine of '98; that it was first promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles, the triumph of which, at that time, saved the constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the federal government is the exclusive judge of the extent, as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the states. It makes but little difference, in my estimation, whether congress or the supreme court are invested with this power. If the federal government, in all, or any of its departments, are to pre-

inevitably result from an observance of the dictates of the convention.

"Strict duty would require of me nothing more than

scribe the limits of its own authority, and the states are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the constitution shall be overleaped, this is practically "a government without limitation of powers." The states are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina, to resist the unconstitutional laws which congress has extended over them, she has kept steadily in view the preservation of the union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole south in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle which, substituting the discretion of congress for the limitations of the constitution, bring the states and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if the measures of the federal government were less oppressive, we should still strive against this usurpation. The south is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No; but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if, in acting on these high motives—if animated by that ardent love of liberty which has always been the most prominent trait in the southern character—we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, "you must pardon something to the spirit of liberty!"

After Mr. Hayne had concluded, Mr. Webster made the following reply to his speech:—

Mr. President: When the mariner has been tossed, for many days, in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float further, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution.

[The secretary read the resolution as follows:

"Resolved, that the committee on public lands be instructed to inquire and report the quantity of the public lands remaining unsold within each state and territory, and whether it be expedient to limit, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of surveyor general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the public lands."]

We have thus heard, sir, what the resolution is, which is actually before us for consideration; and it will readily occur to every one, that it is almost the only subject about which something has not been said in the speech, running through two days, by which the senate has been now entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—every thing, general or local, whether belonging to national politics or party politics, seems to have attracted more or less of the honourable member's attention, save only the resolution before us. He has spoken of every thing but the public lands. They have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honourable member, however, did not incline to

the exercise of those powers with which I am now, or may hereafter be invested, for preserving the peace of the union, and for the execution of the laws. But

put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it, and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time, in the history of human affairs, that the vigour and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the senate, with the emphasis of his hand upon his heart, that there was something rankling *here* which he wished to relieve. [Mr. Hayne rose, and disclaimed having used the word *rankling*.] It would not, Mr. President, be safe for the honourable member to appeal to those around him, upon the question, whether he did, in fact, make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honourable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here*, or now received *here*, by the gentleman's shot. Nothing original, for I had not the slightest feeling of disrespect or unkindness towards the honourable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy, and forgotten them. When the honourable member rose, in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was further from my intention, than to commence any personal warfare; and through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here*, which I wished at any time, or now wish to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honourable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling, if they had reached, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honourable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honourable member sat down, his friend from Missouri rose, and with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others, also, the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake; owing to other engagements, I could not employ even the interval between the adjournment of the senate, and its meeting the next morning, in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true—I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible, that, in this respect

the imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United

also, I possess some advantage over the honourable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well. But the gentleman inquires, why he was made the object of such a reply? Why was he singled out? If an attack had been made on the east, he he assures us, did not begin it—it was the gentleman from Missouri. Sir, I answered the gentleman's speech, because I happened to hear it; and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible endorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility, without delay. But, sir, this interrogatory of the honourable member was only introductory to another. He proceeded to ask me, whether I had turned upon him, in this debate, from the consciousness that I should find an over-match, if I ventured on a contest with his friend from Missouri. If, sir, the honourable member, *ex gratia modestia*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withheld from themselves. But the tone and manner of the gentleman's question, forbid me that I thus interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, a little of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put, as if it were difficult for me to answer, whether I deemed the member from Missouri an over-match for myself, in debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and over-matches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a senate; a senate of equals; of men of individual honour and personal character, and of absolute independence. We know no masters; we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honourable member has put the question, in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of his friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honourable member might say of his friend. Still less do I put forth any pretensions of my own. But, when put to me as matter of taunt, I throw it back, and say to the gentleman, that he could possibly say nothing less likely than such a comparison, to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptance. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part—to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any or all these things will shake any purpose of mine, I can tell the honourable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion, I hope on no occasion, to be be-

States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps de-

trayed into any loss of temper; but, if provoked, as I trust I never shall allow myself to be, into crimination and recrimination, the honourable member may perhaps find, that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own; and that his impunity may, perhaps, demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, sir, the coalition! The coalition! Ay, "the murdered coalition!" The gentleman asks, if I were led or frightened into this debate by the spectre of the coalition. "Was it the ghost of the murdered coalition," he exclaims, "which haunted the member from Massachusetts, and which, like the ghost of Banquo, would never down?" "The murdered coalition!" Sir, this charge of a coalition, in reference to the late administration, is not original with the honourable member. It did not spring up in the senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an excited political canvass. It was a charge of which there was not only no proof or probability, but which was, in itself, wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods, which, by continued repetition, through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion, already kindling into flame. Doubtless, it served in its day, and, in greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honourable member to give it dignity or decency, by attempting to elevate it, and to introduce it into the senate. He can not change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honourable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not down. The honourable gentleman is fresh in his reading of the English classics, and can put me right, if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses, and ended with foul and treacherous murder, that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, a ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with

"Pry'thee, see there! behold!—look! lo!
If I stand here, I saw him!"

Their eye-balls were seared (was it not so, sir?) who had thought to shield themselves, by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness, who had vainly attempted to stifle the workings of their own coward consciences, by ejaculating, through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet, if it was those who had no way partaken in the deed of the death, who either found that they were, or feared that they should be, pushed from their stools by the ghost of the slain; or who exclaimed, to a spectre created by their own fears, and their own remorse, "Avant! and quit our sight!"

There is another particular, sir, in which the honourable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered

mand, and will certainly justify a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enun-

Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification—dust and ashes—the common fate of vaulting ambition, overleaping itself? Did not even-handed justice, ere long, commend the poisoned chalice to their own lips? Did they not soon find that for another they had "filled their mind?" that their ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, sir,

"A barren sceptre in their gripe,
Thence to be wrenched by an unlineal hand,
No son of their's succeeding."

Sir, I need pursue the allusion no further. I leave the honourable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said, I am satisfied also; but that I shall think of. Yes, sir, I will think of that.

In the course of my observations, the other day, Mr. President, I paid a passing tribute of respect to a very worthy man, Mr. Dane, of Massachusetts. It so happened, that he drew the ordinance of 1787, for the government of the Northwestern Territory. A man of so much ability, and so little pretence; of so great a capacity to do good, and so unmixed a disposition to do it for its own sake; a gentleman who acted an important part, forty years ago, in a measure, the influence of which is still deeply felt in the very matter which was the subject of debate, might, I thought, receive from me a commendatory recognition.

But the honourable member was inclined to be facetious on the subject. He was rather disposed to make it matter of ridicule, that I had introduced into the debate the name of one Nathan Dane, of whom, he assures us, he had never before heard. Sir, if the honourable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him, at the mention of the name of Mr. Dane, is in bad taste. It may well be a high mark of ambition, sir, either with the honourable gentleman or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude, as Mr. Dane has accomplished. But the truth is, sir, I suspect, that Mr. Dane lives a little too far north. He is of Massachusetts, and too near the north star to be reached by the honourable gentleman's telescope. If his sphere had happened to range south of Mason's and Dixon's line, he might, probably, have come within the scope of his vision!

I spoke, sir, of the ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I suppose, that, on this point, no two gentlemen in the senate could entertain different opinions. But, the simple expression of this sentiment has led the gentleman, not only into a laboured defence of slavery, in the abstract, and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery, now existing in the southern states. For all this, there was not the slightest foundation, in any thing said or intimated by me. I did not utter a single word, which any ingenuity could torture into an attack on the slavery of the south. I said only, that it was highly wise and useful, in legislating for the northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves; and added, that, I presumed, in the neighbouring state of Kentucky, there was no reflecting and intelligent gentleman, who would doubt, that if the same prohibition had been extended, at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody, and menace nobody.

ciation of the course which my sense of duty will require me to pursue.

"The ordinance is founded, not on the indefeasi-

And yet, sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole south, and manifesting a spirit which would interfere with, and disturb their domestic condition! Sir, this injustice no otherwise surprises me, than as it is done here, and done without the slightest pretence of ground for it. I say it only surprises me, as being done here; for I know full well, that it is, and has been, the settled policy of some persons in the south, for years, to represent the people of the north as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole south against northern men, or northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But the feeling is without all adequate cause, and the suspicion which exists wholly groundless. There is not, and never has been, a disposition in the north to interfere with these interests of the south. Such interference has never been supposed to be within the power of government; nor has it been in any way attempted. It has always been regarded as a matter of domestic policy, left with the states themselves, and with which the federal government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly, I need not say I differ with him altogether and most widely on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But, though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this, I believe, sir, is, and uniformly has been, the sentiment of the north. Let us look a little at the history of this matter.

When the present constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish, might, perhaps, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would of course attract much attention in the southern conventions. In that of Virginia, Governor Randolph said:

"I hope there is none here who, considering the subject in the calm light of philosophy, will make an objection dishonourable to Virginia—that, at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage, may, by the operation of the general government, be made free."

At the very first congress, petitions on the subject were presented, if I mistake not, from different states. The Pennsylvania Society for promoting the Abolition of Slavery, took a lead, and laid before congress a memorial, praying congress to promote the abolition by such powers as it possessed. This memorial was referred, in the house of representatives, to a select committee, consisting of Mr. Foster, of New Hampshire; Mr. Gerry, of Massachusetts; Mr. Huntington, of Connecticut; Mr. Lawrence, of New York; Mr. Sinnickson, of New Jersey; Mr. Hartley, of Pennsylvania; and Mr. Parker, of Virginia. All of them, sir, as you will observe, northern men, but the last. This committee made a report, which was committed to a committee of the whole house, and there considered and discussed on several days; and being amended, although in no material respect, it was made to express three distinct propositions on the subjects of slavery and the slave trade. First, in the words of the constitution, that congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the states, then existing, should think proper to admit. Second, that congress had authority to restrain the citizens of the United States from carrying on the African slave trade, for

ble right of resisting acts which are plainly unconstitutional and too oppressive to be endured; but on the strange position that any one state may not only

the purpose of supplying foreign countries. On this proposition, our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:

"Resolved, That congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the states; it remaining with the several states alone to provide rules and regulations therein, which humanity and true policy may require."

This resolution received the sanction of the house of representatives so early as March, 1790. And now, sir, the honourable member will allow me to remind him, that not only were the select committee who reported the resolution, with a single exception, all northern men, but also that of the members then composing the house of representatives, a large majority, I believe nearly two thirds, were northern men also.

The house agreed to insert these resolutions in its journal; and, from that day to this, it has never been maintained or contended, that congress had any authority to regulate, or interfere with, the condition of slaves in the several states. No northern gentleman, to my knowledge, has moved any such question in either house of congress.

The fears of the south, whatever fears they might have entertained, were allayed and quieted by this early decision; and so remained, till they were excited afresh, without cause but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of northern men from confidence and from lead in the affairs of the republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of northern men in the public councils would endanger the relation of master and slave. For myself, I claim no other merit, than that this gross and enormous injustice towards the whole north, has not wrought upon me to change my opinions, or my political conduct. I hope I am above violating any principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, nevertheless, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the south, I leave where I find it—in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this federal government. We know, sir, that the representation of the states in the other house, is not equal. We know that great advantage, in that respect, is enjoyed by the slave-holding states; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal; the habit of the government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain, nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact—let it stand: let the advantage of it be fully enjoyed. The union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the constitution as it is, and for the union as it is. But I am resolved not to submit in silence to accusations, either against myself individually, or against the north, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact, and to extend the power of the government over the internal laws and domestic condition of the states. All such accusations, wherever and whenever made; all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the southern public; we must leave it to them to disabuse that public of its prejudices. But, in the mean time, for my own part, I shall continue to act justly,

declare an act of congress void, but prohibit its execution—that they may do this consistently with the constitution—that the true construction of that

whether those towards whom justice is exercised receive it with candour or with contumely.

Having had occasion to recur to the ordinance of 1787, in order to defend myself against the inferences which the honourable member has chosen to draw from my observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said, that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our state papers of that day. But this ordinance did that which was not so common, and which is not, even now, universal; that is, it set forth and declared, *as a high and binding duty of government itself*, to encourage schools, and advance the means of education; on the plain reason, that religion, morality, and knowledge, are necessary to good government, and to the happiness of mankind. One observation further. The important provision incorporated into the constitution of the United States, and several of those of the states, and recently, as we have seen, adopted into the reformed constitution of Virginia, restraining legislative power, in questions of private right, and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this ordinance of 1787. And I must add, also, in regard to the author of the ordinance, who has not had the happiness to attract the gentleman's notice, heretofore, nor to avoid his sarcasm now, that he was chairman of that select committee of the old congress, whose report first expressed the strong sense of that body, that the old confederation was not adequate to the exigencies of the country, and recommending to the states to send delegates to the convention which formed the present constitution.

An attempt has been made to transfer from the north to the south, the honour of this exclusion of slavery from the Northwestern Territory. The journal, without argument or comment, refutes such attempt. The cession by Virginia was made March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the territory, in which was this article: "that, after the year 1800, there shall be neither slavery, nor involuntary servitude, in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted." Mr. Spaight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised: "shall these words stand as part of the plan," &c. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania—seven states, voted in the affirmative. Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of the nine states was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year, (1785,) Mr. King, of Massachusetts, seconded by Mr. Ellery, of Rhode Island, proposed the formerly rejected article, with this addition: "*And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original states, and each of the states described in the resolve,*" &c. On this clause, which provided the adequate and thorough security, the eight northern states at that time voted affirmatively, and the four southern states negatively. The votes of nine states were not yet obtained, and thus, the provision was again rejected by the southern states. The perseverance of the north held out, and two years afterwards the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of resolutions. If one should reason in that way, what would become of the distinguished honour of the author of the declaration of independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies, and other popular bodies in the country, over and over again.

But the honourable member has now found out that this gentle-

instrument permits a state to retain its place in the union, and yet be bound by no other of its laws than those it may choose to consider as constitution-

man, Mr. Dane, was a member of the Hartford convention. However uninformed the honourable member may be of characters and occurrences at the north, it would seem that he has at his elbow on this occasion, some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honourable member with every thing, down even to forgotten and moth-eaten twopenny pamphlets, which may be used to the disadvantage of his own country. But as to the Hartford convention, sir, allow me to say, that the proceedings of that body seem now to be less read and studied in New England than further south. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose; they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford collect so far, that the original text-writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford convention. Its journal, which the gentleman has quoted, I never read. So far as the honourable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this convention, and other occurrences of that day, in the hope, probably, (which will not be gratified,) that I should leave the course of this debate to follow him at length in those discussions, the honourable member returned, and attempted another object. He referred to a speech of mine in the other house, the same which I had occasion to allude to myself the other day, and has quoted a passage or two from it, with a bold, though uneasy and labouring air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate, and to the point in discussion, would have imagined, from so triumphant a tone, that the honourable member was about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had, in fact, previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the sentiments of my remarks on the two occasions. What I said here on Wednesday, is in exact accordance with the opinions expressed by me in the other house, in 1825. Though the gentleman had the metaphysics of Hudibras—though he were able

"To sever and divide
A hair 'twixt north and northwest side,"

he yet could not insert his metaphysical scissors between the fair reading of my remarks in 1825, and what I said here last week. There is not only no contradiction, no difference, but, in truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech; had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate, and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this: The honourable member from Connecticut moved a resolution, which constitutes the first branch of that which is now before us; that is to say, a resolution, instructing the committee on public lands to inquire into the expediency of limiting, for a certain period, the sales of the public lands, to such as have heretofore been offered for sale; and whether sundry offices, connected with the sales of the lands, might not be abolished, without detriment to the public service.

In the progress of the discussion which arose on this resolution,

al. It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right

an honourable member from New Hampshire moved to amend the resolution, so as entirely to reverse its object; that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales, and extend more rapidly the surveys of the lands.

The honourable member from Maine, (Mr. Sprague,) suggested, that both those propositions might well enough go, for consideration, to the committee; and in this state of the question, the member from South Carolina addressed the senate in his first speech. He rose, he said, to give us his own free thoughts on the public lands. I saw him rise with pleasure, and listened with expectation, though, before he concluded, I was filled with surprise. Certainly, I was never more surprised, than to find him following up, to the extent he did, the sentiments and opinions which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat, at large, the general topics of the honourable gentleman's speech. When he said, yesterday, that he did not attack the eastern states, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means, by not attacking, that he did not commence hostilities—but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the government, for forty years, in regard to its dispositions of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on, for a full hour, with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and measures unfavourable to the west. I thought his opinions unfounded and erroneous, as to the general course of the government, and ventured to reply to them.

The gentleman remarked on the analogy of other cases, and quoted the conduct of European governments towards their own subjects, settling on this continent, as in point, to show, that we had been harsh and rigid in selling, when we should have given the public lands to settlers. I thought the honourable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance, where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honourable member yesterday observed, that the conduct of government towards the western emigrants, or my representation of it, brought to his mind a celebrated speech in the British parliament. It was, sir, the speech of Col. Barre. On the question of the stamp act, or tea tax, I forget which, Col. Barre had heard a member on the treasury bench argue, that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence, and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Col. Barre, in reply to this, was—"They planted by your care! Your oppression planted them in America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And now, does the honourable gentleman mean to maintain, that language like this is applicable to the conduct of the government of the United States towards the western emigrants, or to any representation given by me of that conduct? Were the settlers of the west driven thither by our oppression? Have they flourished only by our neglect of them? Has the government done nothing but to prey upon them, and eat out their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little

of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws.

out of place, when it is brought thence to be applied here, to the conduct of our own country towards her own citizens. From America to England, it may be true; from Americans to their own government; it would be strange language. Let us leave it to be declaimed by our boys against a foreign nation; not introduce it here to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday, I contended, that we could not give away gratuitously all the public lands; that we held them in trust; that the government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now, sir, what contradiction does the gentleman find to this sentiment, in the speech of 1825? He quotes me as having then said, that we ought not to hug these lands as a very great treasure. Very well, sir, supposing me to be accurately reported, in that expression, what is the contradiction? I have not now said, that we should hug these lands as a favourite source of pecuniary income. No such thing. It is not my view. What I have said, and what I do say, is, that they are a common fund—to be disposed of for the common benefit—to be sold at low prices, for the accommodation of settlers, keeping the object of settling the lands as much in view, as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favourite treasure? Is there no difference between hugging and hoarding this fund, on the one hand, as a great treasure, and, on the other, of disposing of it at low prices, placing the proceeds in the general treasury of the union? My opinion is, that as much is to be made of the land, as fairly and reasonably may be, selling it all the while at such rates as to give the fullest effect to settlement. This is not giving it all away to the states, as the gentleman would propose; nor is it hugging the fund closely and tenaciously, as a favourite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency, in word or doctrine, has he been able to detect? Sir, if this be a sample of that discomfiture with which the honourable member threatened me, commend me to the word *discomfiture* for the rest of my life.

But, after all, this is not the point of the debate; and I must now bring the gentleman back to that which is the point.

The real question between him and me is, where has the doctrine been advanced, at the south or the east, that the population of the west should be retarded, or at least need not be hastened, on account of its effect to drain off the people from the Atlantic states? Is this doctrine, as has been alleged, of eastern origin? That is the question. Has the gentleman found any thing, by which he can make good his accusation? I submit to the senate, that he has entirely failed; and, as far as this debate has shown, the only person who has advanced such sentiments, is a gentleman from South Carolina, and a friend to the honourable member himself. The honourable gentleman has given no answer to this; there is none which can be given. The simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another southern gentleman, in years before, of the same general character, and to the same effect, as that which has been quoted; but I will not consume the time of the senate by the reading of them.

So then, sir, New England is guiltless of the policy of retarding western population, and of all envy and jealousy of the growth of the new states. Whatever there be of that policy in the country, no part of it is her's. If it has a local habitation, the honourable member has probably seen, by this time, where he is to look for it; and if it has now received a name, he has himself christened it.

We approach, at length, sir, to a more important part of the honourable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honourable gentleman, on what ground it is, that I consent to vote them away

For, as by the theory, there is no appeal, the reasons alleged by the state, good or bad, must prevail. If it should be said, that public opinion is a sufficient

in particular instances? How, he inquires, do I reconcile with these professed sentiments, my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the west? This leads, sir, to the real and wide difference in political opinion between the honourable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ, *toto calo*. I look upon a road over the Alleghany, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being objects large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to open his construction of the powers of the government. He may well ask, upon his system, what interest has South Carolina in a canal in Ohio? On that system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects, separate and diverse. On that system, Carolina has no more interest in a canal in Ohio, than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio. Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the states not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states, united under the same general government, having interests, common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this government, we look upon the states as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers, and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or a canal, beginning in South Carolina, and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here, and ask, what interest has Massachusetts in a railroad in South Carolina, I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling; one who was not large enough, in mind and heart, to embrace the whole, was not fit to be entrusted with the interest of any part. Sir, I do not desire to enlarge the powers of the government, by unjustifiable construction; nor to exercise any not within a fair interpretation. But when it is believed, that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole: so far as respects the exercise of such a power, the states are one. It was the very object of the constitution to create unity of interests to the extent of the powers of the general government. In war and peace, we are one; in commerce one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting light-houses on the lakes, than

check against the abuse of this power, it may be asked, why it is not deemed a sufficient guard against the passage of an unconstitutional act by congress.

on the ocean; in improving the harbours of inland seas, than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the west, more than in any work to facilitate commerce on the Atlantic coast. If there be power for one, there is power also for the other; and they are all and equally for the country.

There are other objects, apparently more local, or the benefit of which is less general, towards which, nevertheless, I have concurred with others to give aid, by donations of land. It is proposed to construct a road in or through one of the new states in which this government possesses large quantities of land. Have the United States no right, as a great and untaxed proprietor? Are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these states, that they should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new states singularly strong claims, founded on the ground already stated, that the government is a great untaxed proprietor in the ownership of the soil? It is a consideration of great importance, that probably there is in no part of the country, or of the world, so great a call for the means of education, as in those new states; owing to the vast numbers of persons within those ages, in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these states shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favoured season, the spring time for sowing them. Let them be disseminated without stint. Let them be scattered with a bountiful, broad cast. Whatever the government can fairly do towards these objects, in my opinion, ought to be done.

These, sir, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest; while I maintain, at the same time, that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those who have a different view of the powers of the government, of course, come to different conclusions, on these, as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a canal, or any thing else, intended for the improvement of the west, it would be found, that if the New England *ayes* were struck out of the lists of votes, the southern *noes* would always have rejected the measure. The truth of this has not been denied, and can not be denied. In stating this, I thought it just to ascribe it to the constitutional scruples of the south, rather than to any other less favourable or less charitable cause. But, no sooner had I done this, than the honourable gentleman asks, if I reproach him and his friends with their constitutional scruples? Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman can not deny the fact; he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own state, to account for its being entrusted to my hands, by saying, that the constitutional opinions of the gentleman and his worthy colleague, prevented them from supporting it. Sir, did I state this as a matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt nor to insinuate that the gentleman had either changed his sentiments, or that he had made up a set of constitutional opinions, accommodated to any particular combination of political occurrences. Had I done so, I should have felt, that while I was entitled to little credit in thus questioning other people's motives, I justified the whole world in suspecting my own.

There is, however, a restraint in this last case, which makes the assumed power of a state more indefensible, and which does not exist in the other. There

But how has the gentleman returned this respect for others' opinions? His own candour and justice, how have they been exhibited towards the motives of others, while he has been at so much pains to maintain, what nobody has disputed, the purity of his own? Why, sir, he has asked, *when*, and *how*, and *why*, New England votes were found going for measures favourable to the west; he has demanded to be informed, whether all this did not begin in 1825, and while the election of president was still pending? Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry, not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why*, New England has supported measures favourable to the west. I have already referred to the early history of the government—to the first acquisition of the lands—to the original laws for disposing of them, and for governing the territories where they lie; and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to measures of a less general character, I have endeavoured to prove that every thing of this kind, designed for western improvement, has depended on the votes of New England; all this is true, beyond the power of contradiction.

And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given the New England feeling, and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest. In 1820, observe, Mr. President, in 1820, the people of the west besought congress for a reduction in the price of lands. In favour of that reduction, New England, with a delegation of forty members in the other house, gave thirty-three votes, and one only against it. The four southern states, with fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821, (observe again, sir, the time,) the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the west, and more especially to the southwest. It authorized the relinquishment of contracts for lands, which had been entered into at high prices, and a reduction in the other cases of not less than 37 1-2 per cent. on the purchase money. Many millions of dollars, six or seven, I believe, at least, probably much more, were relinquished by this law. On this bill, New England, with her forty members, gave more affirmative votes than the four southern states, with their fifty-two or three members. These two are far the most important measures, respecting the public lands, which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time *when*. And as to the manner *how*, the gentleman already sees that it was by voting, in solid column, for the required relief; and, lastly, as to the cause *why*, I tell the gentleman, it was because the members from New England thought the measures just and salutary; because they entertained towards the west neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which had arisen in the west, with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this government, to act towards the new states in the spirit of a liberal, patronizing, magnanimous policy. So much, sir, for the cause *why*; and I hope that by this time, sir, the honourable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why*, he ever will be.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period yet something earlier, for the purpose of still further showing how much, or rather, how little reason there is for the gentleman's insinuation, that political hopes, or fears, or party associations, were the grounds of these New England votes. And after what has been said, I hope it may be forgiven me, if I allude to some political opinions and votes of my own, of very little public

are two appeals from an unconstitutional act passed by congress—one to the judiciary, the other to the people and the states. There is no appeal from

importance, certainly, but which, from the time at which they were given and expressed, may pass for good witnesses on this occasion.

This government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns, to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with organizing the government, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French revolution blazed forth, as from a new opened volcano, and the whole breadth of the ocean did not entirely secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government, and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing, and equally exciting division and discord, through the long series of twenty years; till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention, had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the government, in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new, and a most interesting state of things: it opened to us other prospects, and suggested other duties. We ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace. Some agitation of the waves might be expected, even after the storm had subsided, but the tendency was, strongly and rapidly, towards settled repose.

It so happened, sir, that I was at that time a member of congress, and, like others, naturally turned my attention to the contemplation of the newly altered condition of the country, and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would necessarily take a start, in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up in her circle of nations, a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious, that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement. And this improvement, how was it to be accomplished, and who was to accomplish it? We were ten or twelve millions of people, spread over almost half a world. We were twenty-four states, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement, which consisted in furnishing new facilities of intercourse, necessarily ran into different states, in every leading instance, and would benefit the citizens of all such states. No one state, therefore, in such cases, would assume the whole expense, nor was the co-operation of several states to be expected. Take the instance of the Delaware Breakwater. It will cost several millions of money. Would Pennsylvania alone have ever constructed it? Certainly never, while this union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware, have united to

the state decision in theory, and the practical illustration shows that the courts are shut against an application to review it, both judges and jurors being

accomplish it at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, co-operates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the states have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the states have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions, with respect to the powers of the government, in regard to internal affairs. It may not savour too much of self-commendation to remark, that, with this object, I considered the constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of congress under it; and I arrived at the conclusion, that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS. That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I only say, that it was adopted and acted on even so early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct, on these subjects, in the fourteenth congress, in 1816. And now, Mr. President, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro duce*. Yes, sir, I pursued, in all this, a South Carolina track. On the doctrines of internal improvement, South Carolina, as she was then represented in the other house, set forth, in 1816, under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights, and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines first came to be considered and acted upon in congress. The debate on the bank question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time. The tariff of 1816, one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual states may justly secede from the government, is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honourable gentleman well know all this? There are certainly those who do, full well, know it all. I do not say this to reproach South Carolina. I only state the fact; and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina, in congress. I did not then, and can not now, understand their language in any other sense. While this tariff of 1816 was under discussion, in the house of representatives, an honourable gentleman from Georgia, now of this house, (Mr. Forsyth,) moved to reduce the proposed duty on cotton. He failed, by four votes, South Carolina giving three votes (enough to have turned the scale) against his motion. The act, sir, then passed, and received on its passage the support of a majority of the representatives of South Carolina present and voting. This act is the first, in the order of those now denounced as plain usurpations. We see it daily, in the list, by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honourable member from South Carolina, that his own state was not only "art and part" in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this act proceeded on the ground of protection. It interfered, directly, with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots, but it passed, nevertheless, and it passed on the

sworn to decide in its favour. But reasoning on this subject is superfluous, when our social compact in express terms declares, that the laws of the United

principle of protecting manufactures, on the principle against free trade, on the principle *opposed to that which lets us alone*.

Such, Mr. President, were the opinions of important and leading gentlemen from South Carolina, on the subject of internal improvement, in 1816. I went out of congress the next year; and returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect, and new divisions. A party had arisen in the south, hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti consolidation was the flag under which this party fought; and its supporters inveighed against internal improvements, much after the manner in which the honourable gentleman has now inveighed against them, as part and parcel of the system of consolidation. Whether this party arose in South Carolina herself, or in her neighbourhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things, in such controversies, they bestowed on the anti-improvement gentlemen the appellation of radicals. Yes, sir, the name of radicals, as a term of distinction, applicable and applied to those who denied the liberal doctrines of internal improvements, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. They had driven back the enemy with discomfiture—a thing, by the way, sir, which is not always performed when it is promised. A gentleman, to whom I have already referred in this debate, had come into congress, during my absence from it, from South Carolina, and had brought with him a high reputation for ability. He came from a school with which we have been acquainted, *et noscitur a sociis*. I hold in my hand, sir, a printed speech of this distinguished gentleman, (Mr. McDuffie,) "ON INTERNAL IMPROVEMENTS," delivered about the period to which I now refer, and printed with a few introductory remarks upon consolidation; in which, sir, I think he quite consolidated the arguments of his opponents, the radicals, if to *crush* be to consolidate. I give you a short, but substantive quotation, from these remarks. He is speaking of a pamphlet, then recently published, entitled, "Consolidation;" and having alluded to the question of renewing the charter of the former bank of the United States, he says, "Moreover, in the early history of parties, and when Mr. Crawford advocated a renewal of the old charter, it was considered a federal measure; which internal improvements *never was*, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland road; and was first proposed, *as a system*, by Mr. Calhoun, and carried through the house of representatives by a large majority of the republicans, including almost every one of the leading men who carried us through the late war."

So, then, internal improvement is not one of the federal heresies. One paragraph more, sir:

"The author in question, not content with denouncing as federalists General Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in congress, modestly extends the denunciation to Mr. Monroe, and the whole republican party. Here are his words: 'During the administration of Mr. Monroe, much has passed which the republican party would be glad to approve if they could. But the principal feature, and that which has chiefly elicited these observations, is the renewal of the *SYSTEM OF INTERNAL IMPROVEMENTS*.' Now this measure was adopted by a vote of 115 to 86, of a republican congress, and sanctioned by a repub-

States, its constitution and treaties made under it, are the supreme law of the land—and for greater caution adds, ‘that the judges in every state shall be

lican president. Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the republican party, the republican administration of the country? A denunciation including within its sweep *Calhoun*, *Lowndes*, and *Cherres*—men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people.”

Such are the opinions, sir, which were maintained by South Carolina gentlemen, in the house of representatives, on the subject of internal improvements, when I took my seat there as a member from Massachusetts, in 1823. But this is not all: we had a bill before us, and passed it in that house, entitled, “An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.” It authorized the president to cause surveys and estimates to be made of the routes of such roads and canals as he might deem of national importance, in a commercial or military point of view, or for the transportation of the mail, and appropriated thirty thousand dollars, out of the treasury, to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other house, the bill came up to the senate, and was here considered and debated in April, 1824. The honourable member from South Carolina was a member of the senate at that time. While the bill was under consideration here, a motion was made to add the following proviso:

“*Provided*, That nothing herein contained shall be construed to affirm or admit a power in congress, on their own authority, to make roads or canals, within any of the states of the union.”

The yeas and nays were taken on this proviso, and the honourable member voted *in the negative*! The proviso failed. A motion was then made to add this proviso, viz.:

“*Provided*, That the faith of the United States is hereby pledged, that no money shall ever be expended for roads or canals, except it shall be among the several states, and in the same proportion as direct taxes are laid and assessed by the provisions of the constitution.”

The honourable member voted *against this proviso* also, and it failed. The bill was then put on its passage, and the honourable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes, but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions—they show who is for and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman’s vote sustained that power, in every form in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the states, and without agreeing to any proportionate distribution. And now suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned, in every form, by the gentleman’s own opinion, that is so plain and manifest a usurpation, that the state of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, sir, is not this a little too hard? May we not crave some mercy, under favour and protection of the gentleman’s own authority? Admitting that a road, or a canal, must be written down flat usurpation as ever was committed, may we find no mitigation in our respect for his place, and his vote, as one that knows the law?

The tariff, which South Carolina had an efficient hand in establishing, in 1816, and this asserted power of internal improvement, advanced by her in the same year, and, as we have seen, approved and sanctioned by her representatives in 1824, these two measures are the great grounds on which she is now thought to be justified in breaking up the union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of

bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.’ And it may be asserted without fear of refutation, that no

leading and distinguished gentlemen from South Carolina, in support of the doctrine of internal improvement. I repeat, that, up to 1824, I, for one, followed South Carolina; but, when that star, in its ascension, veered off in an unexpected direction, I relied on its light no longer. [Here the Vice-President said, “Does the Chair understand the gentleman from Massachusetts to say, that the person now occupying the chair of the senate has changed his opinions on the subject of internal improvement?”] From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the senate. If such change has taken place, I regret it. I speak generally of the state of South Carolina. Individuals, we know there are, who hold opinions favourable to the power. An application for its exercise, in behalf of a public work in South Carolina itself, is now pending, I believe, in the other house, presented by members from that state.

I have thus, sir, perhaps not without some tediousness of detail, shown that if I am in error, on the subjects of internal improvement, how, and in what company, I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honourable member, and I have to complain of an entire misapprehension of what I said on the subject of the national debt, though I can hardly perceive how any one could misunderstand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction, as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge. I do not allow it to him. As a debt, I was, I am for paying it, because it is a charge on our finances, and on the industry of the country. But I observed, that I thought I perceived a morbid fervour on that subject—an excessive anxiety to pay off the debt, not so much because it is a debt simply, as because, while it lasts, it furnishes one objection to disunion. It is a tie of common interest, while it lasts. I did not impute such motives to the honourable member himself, but that there is such a feeling in existence, I have not a particle of doubt. The most I said was, that if one effect of the debt was to strengthen our union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this, otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find less difficulty in understanding me. I distinctly and pointedly cautioned the honourable member not to understand me as expressing an opinion favourable to the continuance of the debt. I repeated this caution, and repeated it more than once; but it was thrown away.

On yet another point, I was still more unaccountably misunderstood. The gentleman had harangued against “consolidation.” I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our union; and that this was precisely that consolidation to which I feared others were not attached. That such consolidation was the very end of the constitution—the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words—“the consolidation of the union”—and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not, in the slightest degree, to augment the powers of this government; that my object was to preserve, not to enlarge; and that by consolidating the union, I understood no more than the strengthening of the union, and perpetuating it. Having been thus explicit; having thus read, from the printed book, the precise words which I adopted, as expressing my own sentiments, it passes comprehension, how any man could understand me as contending for an extension of the powers of the government, or for consolidation, in that odious sense, in which it means an accumulation in the federal government of the powers properly belonging to the states.

I repeat, sir, that in adopting the sentiment of the framers of the constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done, be-

federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws uncon-

tween the consolidation of the union, and that other obnoxious consolidation which I disclaimed. And yet the honourable member misunderstood me. The gentleman had said that he wished for no fixed revenue—not a shilling. If, by a word, he could convert the capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now, this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to hold the union of the states together. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling's fixed revenue. So much, sir, for consolidation.

As well as I recollect the course of his remarks, the honourable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort, neither new, nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honourable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from any body. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824, and my vote in 1828. It is labour lost. He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it, in 1828, may be more signal. Sir, there was no fall at all. Between the ground I stood on in 1824, and that I took in 1828, there was not only no precipice, but no declivity. It was a change of position, to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816, I had not acquiesced in the tariff, then supported by South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821, at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, sir, that, in one respect, some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument, which seem impregnable. But even if the power were doubtful, on the face of the constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same constitution; and, on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion, that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was, that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the constitution. Mr. Madison's letters, already referred to, contain, in my judgment, by far the most able exposition extant, of this part of the constitution. He has satisfied me, so far as the practice of the government had left it an open question.

With a great majority of the representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great states of New York, Pennsylvania, Ohio, and Kentucky, went for the bill, in almost unbroken column, and it passed. Congress and the president sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was, either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by state interference.

This last alternative did not suit our principles, and, of course, we adopted the former. In 1827, the subject came again before congress, on a proposition favourable to wool and woollens. We looked upon the system of protection as being fixed and settled.

stitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every

The law of 1824 remained. It had gone into full operation, and, in regard to some objects intended by it, perhaps most of them, had produced all its expected effects. No man proposed to repeal it; no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woollen fabrics had not been realized. Events, not known here when the law passed, had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woollens. Was ever any thing more reasonable? If the policy of the tariff laws had become established in principle, as the permanent policy of the government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise, or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it became adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824—but it passed; and in 1827 and 1828, I voted to amend it, in a point essential to the interest of my constituents. Where is the inconsistency? Could I do otherwise? Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws, because they passed against his consent? Having voted against the tariff originally, does consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my own constituents, in many respects, favourable in none? To consistency of that sort, I lay no claim; and there is another sort to which I lay as little—and that is, a kind of consistency by which persons feel themselves as much bound to oppose a proposition after it has become a law of the land, as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effect, passed the house of representatives, but was lost here. We had then the act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the act of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that act. I was disposed to vote for such regulations, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff, I have little now to say. Another opportunity may be presented. I remarked the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged, with vehemence, as being favourable, or charged with equal vehemence, as being unfavourable to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression, relative to her conduct in this particular. Through all the south, during the late contest, it was New England policy, and a New England administration, that was afflicting the country with a tariff policy beyond all endurance; while on the other side of the Alleghany, even the act of 1828 itself, the very sublimated essence of oppression, according to southern opinions, was pronounced to be one of those blessings, for which the west was indebted to the "generous south."

With large investments in manufacturing establishments, and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure, destructive or highly dangerous. The duty of the government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and, for one, I shall feel it

other port, and no revenue could be collected any where, for all imposts must be equal. It is no answer to repeat, that an unconstitutional law is no law, so

an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honourable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth, in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff, also, had established the fact of its birth and parentage, in the same state. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was, doubtless, desirous of fastening on others, which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with such sore discomfiture. Discomfiture! Why, sir, when he attacks any thing which I maintain, and overthrows it; when he turns the right or left of any position which I take up; when he drives me from any ground I choose to occupy; he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the government, and on the history of the north, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? Oh, no, but he has "carried the war into the enemy's country!" Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit, in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off, in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honourable member, while he recited, with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times; and such as it would be "discomfiture," indeed, for any one, whose taste did not delight in that sort of reading, to be obliged to peruse. This is his war. This it is to carry the war into the enemy's country. It is in an invasion of this sort, that he flatters himself with the expectation of gaining laurels fit to adorn a senator's brow!

Mr. President, I shall not, it will, I trust, not be expected that I should, either now, or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it all, a general remark or two. In the run of forty years, sir, under this constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other constitution than the old articles of confederation, was desirable, was, itself, a question on which parties formed; if a new constitution were framed, what powers should be given to it, was another question; and, when it had been formed, what was, in fact, the just extent of the powers actually conferred, was a third. Parties, as we know, existed, under the first administration, as distinctly marked as those which manifested themselves at any subsequent period. The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual

long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and

strength and intensity. In all these conflicts, there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular governments. With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse. In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition, as that with which the honourable member has edified us. For myself, sir, I shall not rake among the rubbish of by-gone times, to see what I can find, or whether I can not find something, by which I can fix a blot on the escutcheon of any state, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character were held in the highest degree of attachment and veneration; and we know, too, where his measures were opposed, his services slighted, and his character vilified. We know, or we might know, if we turned to the journals, who expressed respect, gratitude, and regret, when he retired from the chief magistracy; and who refused to express either respect, gratitude, or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light, than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers—no one is in attendance on me, tendering such means of retaliation; and, if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times, to be no way anxious to rescue from forgetfulness the extravagances of times past. Besides, what is all this to the present purpose? It has nothing to do with the public lands, in regard to which the attack was begun; and it has nothing to do with those sentiments and opinions, which, I have thought, tend to disunion, and all of which the honourable member seems to have adopted himself, and undertaken to defend. New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so; why should he, therefore, abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened no where else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a federalist, but as a tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honourable member suppose, that, if I had a tender here, who should put such an effusion of wickedness and folly in my hand, that I would stand up and read it against the south? Parties ran into great heats, again, in 1799 and 1800. What was said, sir, or rather, what was not said, in those years, against John Adams, one of the signers of the declaration of independence, and its admitted ablest defender on the floor of congress? If the gentleman wishes to increase his stores of party abuse and frothy violence; if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched—I shall not touch them.

The parties which divided the country at the commencement of the late war, were violent. But, then, there was violence on both sides, and violence in every state. Minorities and majorities were equally violent. There was no more violence against the war in New England, than in other states; nor any more appearance of violence, except that, owing to a dense population, greater facility of assembling, and more presses, there may have been more in quantity spoken and printed there, than in some other places. In

certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

"If this doctrine had been established at an earlier

the article of sermons, too, New England is somewhat more abundant than South Carolina; and, for that reason, the chance of finding here and there an exceptionable one, may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole population; but it was no more unrestrained in its principle, or violent in manner. The minorities dealt quite as harshly with their own state governments, as the majorities dealt with the administration here. There were presses on both sides, popular meetings on both sides, ay, and pulpits on both sides, also. The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him, and to them, the whole concern.

It is enough for me to say, that if, in any part of this, their grateful occupation; if, in all their researches, they find any thing in the history of Massachusetts, or New England, or in the proceedings of any legislative, or other public body, disloyal to the union, speaking slightly of its value, proposing to break it up, or recommending non-intercourse with neighbouring states, on account of difference of political opinion, then, sir, I give them all up to the honourable gentleman's unrestrained rebuke; excepting, however, that he will extend his buffetings, in like manner, to *all similar proceedings, wherever else found*.

The gentleman, sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us, not only in the knowledge of their principles, but of their respective pedigrees, also. He has ascended to the origin, and run out their genealogies. With most exemplary modesty, he speaks of the party to which he professes to have belonged himself, as the true Pure, the only honest, patriotic party, derived by regular descent, from father to son, from the time of the virtuous Romans! Spreading before us the *family tree* of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent, as shall bring him in, in exclusion of others, as an heir to the inheritance of all public virtue, and all true political principle. His party, and his opinions, are sure to be orthodox; heterodoxy is confined to his opponents. He spoke, sir, of the federalists, and I thought I saw some eyes begin to open and stare a little, when he ventured on that ground. I expected he would draw his sketches rather lightly, when he looked on the circle round him, and, especially, if he should cast his thoughts to the high places, out of the senate. Nevertheless, he went back to Rome, *ad annum urbe condita*, and found the fathers of the federalists, in the primeval aristocrats of that renowned empire! He traced the flow of federal blood down, through successive ages and centuries, till he brought it into the veins of the American Tories, (of whom, by the way, there were twenty in the Carolinas, for one in Massachusetts.) From the Tories he followed it to the federalists; and, as the federal party was broken up, and there was no possibility of transmitting it further on this side the Atlantic, he seems to have discovered, that it has gone off, collaterally, though against all the canons of descent, into the ultras of France, and finally become extinguished, like exploded gas, among the adherents of Don Miguel! This, sir, is an abstract of the gentleman's history of federalism. I am not about to controvert it. It is not, at present, worth the pains of refutation; because, sir, if, at this day, any one feels the sin of federalism lying heavily on his conscience, he can easily obtain remission. He may even obtain an indulgence, if he be desirous of repeating the same transgression. It is an affair of no difficulty to get into this same right line of patriotic descent. A man, now-a-days, is at liberty to choose his political parentage. He may elect his own father. Federalist, or not, he may, if he choose, claim to belong to the favoured stock, and his claim will be allowed. He may carry back his pretensions just as far as the honourable gentleman himself; nay, he may make himself out the honourable gentleman's cousin, and prove, satisfactorily, that he is descended from the same political great grandfa-

ther. All this is allowable. We all know a process, sir, by which the whole Essex Junto could, in one hour, be all washed white from their ancient federalism, and come out, every one of them, an original democrat, dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy. The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft suffusion, which, however, is very transient, since nothing is said by those whom they join, calculated to deepen the red on the cheek, but a prudent silence observed, in regard to all the past. Indeed, sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford convention itself. And if the author of the ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his federalism, to what heights of favour he might not yet attain.

Mr. President, in carrying his warfare, such as it was, into New England, the honourable gentleman all along professes to be acting on the defensive. He elects to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honourable member, in his first speech, expressed opinions, in regard to revenue, and some other topics, which I heard both with pain and with surprise. I told the gentleman that I was aware that such sentiments were entertained *out* of the government, but had not expected to find them advanced in it; that I knew there were persons in the south who speak of our union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honourable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the union, and to weaken its connexion. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack, which called on the chivalry of the gentleman, in his opinion, to harry us with such a foray, among the party pamphlets and party proceedings of Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But, if he means that I had assailed the character of the state, her honour, or patriotism; that I had reflected on her history or her conduct; he had not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honourable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-union tendency, which on all, or any of the recent occasions, has been expressed. The whole drift of his speech has been rather to prove, that, in divers times and manners, sentiments equally liable to objection have been promulged in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the south, were it not for the reproach and contumely with which he labours, all along, to load these, his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example, in good set terms. This two-fold purpose, not very consistent with itself, one would think, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford convention. Did he do this for authority, or for a topic of reproach? Apparently for both: for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious was the time it was holden, and the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid—the hand of government required to be strengthened, not weaken-

carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately

ed—and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it, only, a subject of censure. Now, sir, I go much further, on this point, than the honourable member. Supposing, as the gentleman seems to, that the Hartford convention assembled for any such purpose as breaking up the union, because they thought unconstitutional laws had been passed, or to consult on that subject, or to calculate the value of the union; supposing this to be their purpose, or any part of it, then, I say the meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material question is the *object*. Is dissolution the *object*? If it be, external circumstances may make it a more or less aggravated case, but can not affect the principle. I do not hold, therefore, sir, that the Hartford convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford convention, or any other convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide questions of constitutional law—to try the binding validity of statutes, by votes in a convention! Sir, the Hartford convention, I presume, would not desire that the honourable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the state of South Carolina, by the honourable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honourable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honour, I partake in the pride, of her great names. I claim them for countrymen, one and all. The Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions—Americans, all—whose fame is no more to be hemmed in by state lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honoured the country, and the whole country; and their renown is of the treasures of the whole country. Him, whose honoured name the gentleman himself bears—does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts, instead of South Carolina? 'Sir, does he suppose it in his power to exhibit a Carolina name, so bright, as to produce envy in my bosom? No, sir, increased gratification and delight, rather. Sir, I thank God, that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place here, in the Senate, or elsewhere, to sneer at public merit, because it happened to spring up beyond the little limits of my own state, or neighbourhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of heaven—if I see extraordinary capacity and virtue in any son of the south—and if, moved by local prejudice, or galled by state jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections—let me indulge in refreshing remembrance of the past—let me remind you that in early times no states cherished greater harmony, both of principle

none of those states discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of

and of feeling, than Massachusetts and South Carolina. Would to God, that harmony might again return! Shoulder to shoulder they went through the revolution—hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts—she needs none. There she is—behold her, and judge for yourselves. There is her history—the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill—and there they will remain for ever. The bones of her sons, falling in the great struggle for independence, now lie mingled with the soil of every state, from New England to Georgia; and there they will lie for ever. And, sir, where American liberty raised its first voice; and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it—if party strife and blind ambition shall hawk at and tear it—if folly and madness—if uneasiness, under salutary and necessary restraint—shall succeed to separate it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked: it will stretch forth its arm, with whatever vigour it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me, by this occasion. It is to state, and to defend, what I conceive to be the true principles of the constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those, whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honourable gentleman from South Carolina to maintain, that it is a right of the state legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the constitution; not as a right to overthrow it, on the ground of necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the states, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority, is not lodged exclusively in the general government, or any branch of it, but that, on the contrary, the states may lawfully decide for themselves, and each state for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist, that if the exigency of the case, in the opinion of any state government, require it, such state government may, by its own sovereign authority, annul an act of the general government, which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and to compare it with the constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a state, has ever advanced these sentiments. I hope she has not, and never

the nation and the rights of our citizens, might have ended in defeat and disgrace instead of victory and honour, if the states who supposed it a ruinous and

may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct state interference, at state discretion, the right of nullifying acts of congress, by acts of state legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honourable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. "The sovereignty of the state—never to be controlled, construed, or decided on, but by her own feelings of honourable justice."

[Mr. Hayne here rose, and said, that for the purpose of being clearly understood, he would state, that his proposition was in the words of the Virginia resolution, as follows:

"That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government as resulting from the compact, to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto have the right, and are in duty bound to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them."]

Mr. Webster resumed:

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, that, *in the case of the dangerous exercise of powers not granted, by the general government, the states may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does it mean no more, than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory, and practice, too, of the English constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government, when it become oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the state governments.

[Mr. Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained, was, that, in case of a plain, palpable violation of the constitution, by the general government, a state may interpose; and that this interposition is constitutional.]

Mr. Webster resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for, is, that it is

unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution.

constitutional to interrupt the administration of the constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the states, in virtue of their sovereign capacity. The inherent right in the people to reform their government, I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine, that unconstitutional laws bind the people. The great question is, *whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws?* On that, the main debate hinges. The proposition, that, in case of a supposed violation of the constitution by congress, the states have a constitutional right to interfere, and annul the law of congress, is the proposition of the gentleman: I do not admit it. If the gentleman had intended no more than to assert the right of revolution, for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution, or rebellion, on the other. I say, the right of a state to annul a law of congress, can not be maintained, but on the ground of the unalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy above the constitution, and in defiance of the constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the constitution, and in conformity with it, there is any mode in which a state government, as a member of the union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it? Is it the creature of the state legislatures, or the creature of the people? If the government of the United States be the agent of the state governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honourable gentleman contends, leads him to the necessity of maintaining, not only that this general government is the creature of the states, but that it is the creature of each of the states severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's constitution, the people's government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The states are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the state legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the state governments. We are all agents of the same supreme power, the people. The general government and the state governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the state governments or to the people themselves. So far as the people have restrained state sovereignty, by the expression of their will, in the constitution of the United States, so far, it must be admitted, state sovereignty is effectually controlled. I do not contend that it is, or ought to be controlled farther. The sentiment to which I have referred, propounds that state sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is

Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is

not to be controlled at all: for one who is to follow his own feeling is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on state sovereignties. There are those, doubtless, who wish they had been left without restraint; but the constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the constitution declares that no state shall make war. To coin money is another exercise of sovereign power; but no state is at liberty to coin money. Again, the constitution says that no sovereign state shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the state sovereignty of South Carolina, as well as of the other states, which does not arise "from her own feelings of honourable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining, more fully, what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honourable member has now stood up on this floor to maintain. In one of them I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact; and, as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the general government beyond the limits of its delegated powers, as calls upon the states which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff, designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the states, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufactures of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the states to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The constitution is plainly, dangerously, palpably, and deliberately violated; and the states must interpose their own authority to arrest the law. Let us suppose the state of South Carolina to express this same opinion, by the voice of her legislature. That would be very imposing; but what then? Is the voice of one state conclusive? It so happens, that at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. They hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honourable member propose to deal with this case? How does he relieve us from this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional, and highly expedient; and there, the duties are to be paid. And yet, we live under a government of uniform laws, and under a constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the states! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the states, is not the whole union a rope of sand? Are we not thrown back again, precisely, upon the old confederation?

called, suggest itself. The discovery of this important feature in our constitution was reserved to the present day. To the statesmen of South Carolina

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind any body else, and this constitutional law the only bond of their union! What is such a state of things, but a mere connexion during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people who established the constitution, but the feeling of the state governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the state, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the constitution itself, to justify their opinions, they can not consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favour of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the constitution. This is their liberty, and this is the fair result of the proposition contended for by the honourable gentleman. Or it may be more properly said, it is identical with it, rather than the result from it.

In the same publication, we find the following: "Previously to our revolution, when the arm of oppression was stretched over New England, where did our northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? We had no extortion, no oppression, no collision with the king's ministers, no navigation interests springing up, in envious rivalry of England."

This seems extraordinary language. South Carolina no collision with the king's ministers, in 1775! No extortion! No oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time*—that is to say, in 1828—South Carolina has any collision with the king's ministers, any oppression, or extortion, to fear from England? Whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina, in 1828, should thus labour to prove, that, in 1775, there was no hostility, no cause of war, between South Carolina and England? That she had no occasion, in reference to her own interest, or from a regard to her own welfare, to take up arms in the revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the state, otherwise than by supposing the object to be, what I have already intimated, to raise the question, if they had no "collision" (mark the expression) with the ministers of King George the Third, in 1775, what collision have they, in 1828, with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from *Old*, more, or rather, than from *New* England?

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them: they go no further than the honourable gentleman himself has gone—and, I hope, not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that, at no time, and under no circumstances, has New England, or any state in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support

belongs the invention, and upon the citizens of that state will unfortunately fall the evils of reducing it to practice.

his own opinions by New England authority. New England has studied the constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently, both of its just authority, and its utility and excellence. The history of her legislative proceedings may be traced—the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up—they have been hunted up. The opinions and votes of her public men, in and out of congress, may be explored—it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses, she always will reject it. The honourable member has referred to expressions, on the subject of the embargo law, made in this place, by an honourable and venerable gentleman, (Mr. Hillhouse,) now favouring us with his presence. He quotes that distinguished senator as saying, that, in his judgment, the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a state legislature to decide whether an act of congress be, or be not, constitutional.* An unconstitutional act of congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of congress does bind the citizens of every state, although all their legislatures should undertake to annul it, by act or resolution. The venerable Connecticut senator is a constitutional lawyer, of sound principles, and enlarged knowledge; a statesman practised and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The state legislatures? Certainly not. No such sentiments ever escaped his lips. Let us follow up, sir, this New England opposition to the embargo laws; let us trace it, till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of state interference to arrest the laws of the union. The fate of that petition shows the sentiment of the legislature. It met no favour. The opinions of Massachusetts were otherwise. They had been expressed, in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she claimed no right, still, to sever asunder the bonds of the union. There was heat, and there was anger, in her political feeling—be it so—her heat or her anger did not, nevertheless, betray her into infidelity to the government. The gentleman labours to prove that she disliked the embargo, as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy?—did she threaten to interfere, by state authority, to annul the laws of the union?* That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned thus: congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must, of course, continue, until it shall be repealed by some other law. It is as per-

petual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing; or is it putting an end to it altogether? Nothing is more certain, than that a majority in New England deemed this law a violation of the constitution. The very case required by the gentleman, to justify state interference, had then arisen. Massachusetts believed this law to be a "*deliberate, palpable, and dangerous exercise of a power, not granted by the constitution.*" Deliberate it was, for it was long continued; palpable, she thought it, as no words in the constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the constitution; and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt, also, that, as a measure of national policy it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of congress; and, secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be, in such cases, who is to decide this? Who is to judge between the people and the government? And, sir, it is quite plain, that the constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of deciding ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing, and solemn argument; and he who espoused their cause, and stood up for them against the validity of the embargo act, was none other than that great man, of whom the gentleman has made honourable mention, Samuel Dexter. He was then, sir, in the fulness of his knowledge, and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties; carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects, discussed in the national councils, is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the constitution, when he filled public station, that he might defend it; he had examined its principles, that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the union of the states. His feelings and opinions all ran in that direction. A

also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government.

question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction, wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbours, on the point in dispute. He argued the cause, it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional; but still, that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, *because we did not wish to bring about a revolution, nor to break up the union*; for, I maintain, that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground—there is no ambiguous condition, half allegiance, and half rebellion. And, sir, how futile, how very futile it is, to admit the right of state interference, and then attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the state governments. It must be a clear case, it is said; a deliberate case; a palpable case; a dangerous case. But then the state is still left at liberty to decide for herself, what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail any thing? Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear and very palpable, to those who respectively espouse them; and both sides usually grow clearer, as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there, also; and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it—she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous: but Pennsylvania, not to be behind her neighbours, and equally willing to strengthen her own faith by a confident asseveration, *resolves*, also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect more than others, reduces her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, what is to be done? Are these states both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? and if he, and if I, are not to know what the constitution means, and what it is, till those two state legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions to prove that a state may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honourable member supposes the tariff law to be such an exercise of power; and that, consequently, a case has arisen in which the state may, if it see fit, interfere by its own law. Now it so

"In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other.

happens, nevertheless, that Mr. Madison himself deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility—I had almost used a stronger word—of conceding this power of interference to the states, and then attempting to secure it from abuse by imposing qualifications, of which the states themselves are to judge. One of two things is true; either the laws of the union are beyond the discretion, and beyond the control of the states; or else we have no constitution of general government, and are thrust back again to the days of the confederacy.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would, very likely, have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no states can ever entertain a clearer conviction than the New England states then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honourable member espouses, this union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England states would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that which is thought palpably unconstitutional in South Carolina, justifies that state in arresting the progress of the law, tell me, whether that which was thought palpably unconstitutional also in Massachusetts, would have justified her in doing the same thing? Sir, I deny the whole doctrine. It has not a foot of ground in the constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I can not undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the state, to interfere, and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the states may interfere by complaint and remonstrance; or by proposing to the people an alteration of the federal constitution. This would all be quite unobjectionable; or, it may be, that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed the resolutions could have meant by it: for I shall not readily believe, that he was ever of opinion that a state, under the constitution, and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, whence is this supposed right of the states derived? Where do they find the power to interfere with the laws of the union? Sir, the opinion which the honourable gentleman maintains, is a notion, founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the state governments. It is created for one purpose; the state governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of congress, than with congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people

Leagues were formed for common defence, and before the Declaration of Independence we were known in our aggregate character as THE UNITED COLONIES

and trusted by them to our administration. It is not the creature of the state governments. It is of no moment to the argument, that certain acts of the state legislatures are necessary to fill our seats in this body. That is not one of their original state powers, a part of the sovereignty of the state. It is a duty which the people, by the constitution itself, have imposed on the state legislature; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of president with electors; but all this does not affect the proposition, that this whole government, president, senate, and house of representatives, is a popular government. It leaves it still all its popular character. The governor of a state (in some of the states) is chosen, not directly by the people, but by those who are chosen by the people, for the purpose of performing, among other duties, that of electing a governor. Is the government of the state, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of state legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on state sovereignties. The states can not now make war; they can not contract alliances; they can not make, each for itself, separate regulations of commerce; they can not lay imposts; they can not coin money. If this constitution, sir, be the creature of state legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a constitution, and in that constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the states or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole constitution was framed and adopted, was to establish a government that should not be obliged to act through state agency, or depend on state opinion and state discretion. The people had had quite enough of that kind of government, under the confederacy. Under that system, the legal action—the application of law to individuals—belonged exclusively to the states. Congress could only recommend—their acts were not of binding force, till the states had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of state discretion and state construction? Sir, if we are, then vain will be our attempt to maintain the constitution under which we sit.

But, sir, the people have wisely provided, in the constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are, in the constitution, grants of powers to congress; and restrictions on these powers. There are, also, prohibitions on the states. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, any thing in the constitution or laws of any state to the contrary notwithstanding.*"

This, sir, was the first great step. By this, the supremacy of the constitution and laws of the United States is declared. The people so will it. No state law is to be valid, which comes in con-

OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our

flict with the constitution, or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This sir, the constitution itself decides, also, by declaring, "*that the judicial power shall extend to all cases arising under the constitution and laws of the United States.*" These two provisions, sir, cover the whole ground. They are, in truth, the key-stone of the arch. With these, it is a constitution; without them, it is a confederacy. In pursuance of these clear and express provisions, congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the supreme court. It then, sir, became a government. It then had the means of self-protection; and, but for this, it would, in all probability, have been now among things which are past. Having constituted the government, and declared its powers, the people have further said, that since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a state legislature acquires any power to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transgressed the authority you gave them?" The reply would be, I think, not impertinent, "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of state legislatures altogether. It can not stand the test of examination. Gentlemen may say, that, in an extreme case, a state government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the state governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a state legislature can not alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the jurisdiction of South Carolina, or any other state, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of congress, for which I have voted. I decline her umpirage. I have not sworn to support the constitution according to her construction of its clauses. I have not stipulated, by my oath of office, or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the constitution of the country. And, sir, if we look to the general nature of the case, could any thing have been more preposterous, than to make a government for the whole union, and yet leave its powers subject, not to one interpretation, but to thirteen, or twenty-four, interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four and twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would any thing, with such a principle in it, or rather, with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a constitution. It should be called, rather, a collection of topics, for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit, that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be

confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed that they would collectively form one nation

expressed, its limit and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long existing, if some mode had not been provided, in which those doubts, as they should arise, might be peaceably, but authoritatively, solved.

And now, Mr. President, let me run the honourable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done. Now, I wish to be informed *how* this state interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it, (as we probably shall not,) she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of congress, usually called the tariff laws, null and void, so far as they respect South Carolina or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws—he, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The state authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the state will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader: for I believe the honourable member himself commands the militia of that part of the state. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have a preamble, bearing, that the tariff laws are palpable, deliberate, and dangerous violations of the constitution! He will proceed, with his banner flying, to the custom-house in Charleston:

“All the while,
Sonorous metal blowing martial sounds.”

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This, he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would, probably, not desist at his bidding—here would ensue a pause: for they say, that a certain stillness precedes the tempest. Before this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander in chief, to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire, whether it was not somewhat dangerous to resist a law of the United States? What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law was constitutional? He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off, that we do not much relish. How do you propose to defend us? “Look at my floating banner,” he would reply; “see there the *nullifying law*!” Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? “South Carolina is a sovereign state,” he would reply. That is true; but would the judge admit our plea? “These tariff laws,” he would repeat, “are unconstitutional, palpably, deliberately, dangerously.” That all may be so; but if the tribunals should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an

for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that union, is found an article which declares

awkward business, this dying without touching the ground! After all, that is a sort of *hemp* tax, worse than any part of the tariff.

Mr. President, the honourable gentleman would be in a dilemma, like that of another great general. He would have a knot before him, which he could not untie. He must cut it with his sword. He must say to his followers, defend yourselves with your bayonets; and this is war—civil war.

Direct collisions, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws, which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist, by force, the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a state to commit treason? The common saying, that a state can not commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and, therefore, it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honourable gentleman argues, that if this government be the sole judge of the extent of its own powers, whether that right of judging be in congress or the supreme court, it equally subverts state sovereignty. This the gentleman sees, or thinks he sees, although he can not perceive how the right of judging, in this matter, if left to the exercise of state legislatures, has any tendency to subvert the government of the union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the general government; he may like better such a constitution, as we should have under the right of state interference; but I ask him to meet me on the plain matter of fact; I ask him to meet me on the constitution itself; I ask him if the power is not found there—clearly and visibly found there?

But, sir, what is this danger, and what the grounds of it? Let it be remembered, that the constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power, between the state governments and the general government, they can alter that distribution at will.

If any thing be found in the national constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it, as it is; while they are satisfied with it, and refuse to change it, who has given, or who can give, to the state legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves; they imagine there is no safety for them, any longer than they are under the close guardianship of the state legislatures. Sir, the people have not trusted their safety, in regard to the general constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a state trust their own state governments with a similar power. Secondly they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trust worthy, they

that 'every state shall abide by the determination of congress on all questions which by that confederation should be submitted to them.'

"Under the confederation, then, no state could legally annul a decision of the congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

"But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name, and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these

have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power, to alter or amend the constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have, at no time, in no way, directly or indirectly, authorized any state legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people, in these respects, had done otherwise than they have done, their constitution could neither have been preserved, nor would it have been worth preserving. And, if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every state, but as a poor dependant on state permission. It must borrow leave to be; and will be no longer than state pleasure, or state discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen constitution, for forty years, and have seen their happiness, prosperity, and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it can not be; evaded, undermined, nullified, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the senate much too long. I was drawn into the debate, with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I can not even now persuade myself to relinquish it, without expressing, once more, my deep conviction, that, since it respects nothing less than the union of the states, it is of most vital and essential importance to the public happiness. I profess, sir, in my career, hitherto, to have kept steadily in view the prosperity and honour of the whole country, and the preservation of our federal union. It is to that union we owe our safety at home, and our consideration

objects, that which is placed first in rank, on which all the others rest, is '*to form a more perfect Union.*' Now, is it possible that even if there were no express provision giving supremacy to the constitution and laws of the United States over those of the states—it can be conceived, that an instrument made for the purpose of '*forming a more perfect Union*' than that of the confederation, could be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of government, dependent for its existence on the local interest, the party spirit of a state, or of a prevailing faction in a state? Every man of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

"I consider, then, the power to annul a law of the United States, assumed by one state, INCOMPATIBLE WITH THE EXISTENCE OF THE UNION, CONTRADICTED EXPRESSLY BY THE LETTER OF THE CONSTI-

and dignity abroad. It is to that union that we are chiefly indebted for whatever makes us most proud of our country. That union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and, although our territory has stretched out wider and wider, and our population spread further and further, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness. I have not allowed myself, sir, to look beyond the union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may not rise. God grant that on my vision never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonoured fragments of a once glorious union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather behold the gorgeous ensign of the republic, now known and honoured throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured—bearing for its motto, no such miserable interrogatory as, *What is all this worth?* nor those other words of delusion and folly, *Liberty first, and union afterwards*—but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—*Liberty and Union, now and for ever, one and inseparable!*

TUTION, UNAUTHORIZED BY ITS SPIRIT, INCONSISTENT WITH EVERY PRINCIPLE ON WHICH IT WAS FOUNDED, AND DESTRUCTIVE OF THE GREAT OBJECT FOR WHICH IT WAS FORMED.

"After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

"The preamble rests its justification on these grounds:—It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the government; and, finally, that the proceeds are to be applied to objects unauthorized by the constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the constitution, to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position, that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed? in how many cases are they concealed by false professions? in how many is no declaration of motive made? Admit this doctrine, and you give to the states an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a state may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

"The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then indeed is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our union. We have received it as the work of the assembled wisdom of

the nation. We have trusted to it as to the sheet anchor of our safety, in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and, with all the solemnities of religion, have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destructing, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the states deliberately ratify, such an anomaly in the history of fundamental legislation? No. We were not mistaken! The letter of this great instrument is free from this radical fault: its language directly contradicts the imputation: its spirit, its evident intent, contradicts it. No, we did not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages, whose memory will always be revered, have given us a practical, and, as they hoped, a permanent constitutional compact. The Father of his country did not affix his revered name to so palpable an absurdity. Nor did the states, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed. They are all silent—not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the union over those of the states—or to show that implication, as is now contended, could defeat it. No, we have not erred! The constitution is still the object of our reverence, the bond of our union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of state prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

"The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and

that the proceeds will be unconstitutionally employed. The constitution has given expressly to congress the right of raising revenue, and of determining the sum the public exigencies will require. The states have no control over the exercise of this right, other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of all the people, checked by the representatives of the states, and by the executive power. The South Carolina construction gives it to the legislature or the convention of a single state, where neither the people of the different states, nor the states in their separate capacity, nor the chief magistrate elected by the people, have any representation? Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the states, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations when providing for the future, are you—can you—be ready to risk all that we hold dear, to establish, for a temporary and local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the states, and that we should soon cease to be a nation.

“The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the laws levying the duty.

“These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens, judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections and the conclu-

sions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each state has a right to oppose their execution, two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and the general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

“In vain have these sages declared that congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that constitution shall be the ‘supreme law of the land; and that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.’ In vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one state may on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed, there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve, in that the amount raised is more than is wanted. Congress, it is true, are invested by the constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the states, and of all the people of all the states; but we, part of the people of one state, to whom the constitution has given no power on the subject, from whom it has expressly taken it away—we, who have solemnly agreed that this constitution shall be our law—we, most of whom have sworn to support it—we now abrogate this law, and swear, and force others to swear, that it shall not be obeyed, and we do this, not because congress have no right to pass such laws, this we do not allege; but because they have passed them with improper views. They are unconstitutional from the motives

of those who passed them, which we can never with certainty know ; from their unequal operation, although it is impossible from the nature of things that they should be equal ; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend in cases arising under the laws of the United States, and that such laws, the constitution, and treaties, shall be paramount to the state constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States by appeal, when a state tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal ; makes the state law paramount to the constitution and laws of the United States ; forces judges and jurors to swear that they will disregard their provisions ; and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that state, to enforce the payment of duties imposed by the revenue laws within its limits.

"Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the constitution which is solemnly abrogated by the same authority.

"On such expositions and reasonings, the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the union, if any attempt is made to execute them.

"This right to secede is deduced from the nature of the constitution, which, they say, is a compact between sovereign states, who have preserved their whole sovereignty, and, therefore, are subject to no superior ; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

"The people of the United States formed the constitution, acting through the state legislatures in making the compact, to meet and discuss its provisions,

and acting in separate conventions when they ratified those provisions ; but the terms used in its construction, show it to be a government in which the people of all the states collectively are represented. We are ONE PEOPLE in the choice of the president and vice president. Here the states have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of states may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the states, are represented in the executive branch.

"In the house of representatives there is this difference, that the people of one state do not, as in the case of president and vice president, all vote for the same officers. The people of all the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular state from which they come. They are paid by the United States, not by the state ; nor are they accountable to it for any act done in the performance of their legislative functions : and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interests, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

"The constitution of the United States, then, forms a *government*, not a league ; and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states ; they retained all the power they did not grant. But each state having expressly parted with so many powers as to constitute jointly with the other states, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation ; and any injury to that unity is not only a breach, which would result from the contravention of a compact, but it is an offence against the whole union. To say that any state may at pleasure secede from the union, is to say that the United States are not a nation ; because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the ex-

tremity of oppression ; but to call it a constitutional right is confounding the meaning of terms ; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

"Because the union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it : but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may, by its terms, have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt : if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally has no sanction other than a moral one ; or, if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, express or implied ; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government, is an offence, by whatever means the constitutional compact may have been formed ; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed, by the constitutional act.—In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

"It would seem superfluous to add any thing to show the nature of that union which connects us ; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the states, than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation ; but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution : but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed

right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the states, and on their having formed in this sovereign capacity a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The states severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The states then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the government of the United States—they became American citizens, and owed obedience to the constitution of the United States, and to the laws made in conformity with the powers it vested in congress. This last position has not been, and can not be denied. How then can that state be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another ? What shows conclusively that the states can not be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason—not treason against their separate power—but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the states are not less sacred, because they have for their common interest made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate character—our opposition to its oppression began as United Colonies. We were the United States under the confederation, and the name was perpetuated, and the union rendered more perfect, by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes and with defined powers, created national governments—how is it, that the most perfect of those several modes of union should now be considered as a mere league, that may be dissolved at pleasure ? It

is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our constitution was only a league; but, it is laboured to prove it a compact, (which in one sense it is,) and then to argue that as a league is a compact, every compact between nations must of course be a league, and from such an engagement every sovereign power has a right to secede. But it has been shown, that in this sense the states are not sovereign, and that even if they were, and the national constitution had been formed by compact, there would be no right in any one state to exonerate itself from its obligations.

"So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the states who magnanimously surrendered their title to the territories of the west, recall the grant? Will the inhabitants of the inland states agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefits? Shall there be a free port in one state, and onerous duties in another? No one believes that any right exists in a single state to involve all the others in these and countless other evils, contrary to the engagements solemnly made. Every one must see that the other states, in self-defence, must oppose at all hazards.

"These are the alternatives that are presented by the convention—a repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of our union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—that congress could not, without involving itself in disgrace, and the country in ruin, accede to the proposition; and yet, if this is not done in a given day, or if any attempt is made to execute the laws, the state is, by the ordinance, declared to be out of the union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the state speaks of the submission of their grievances to a convention of all the states; which, he says, they 'sincerely and anxiously seek and desire.' Yet this obvious and constitutional mode of ob-

taining the sense of the other states on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the state on to this destructive measure. The state might have proposed the call for a general convention to the other states; and congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, 'on a review by congress and the functionaries of the general government of the merits of the controversy,' such a convention will be accorded to them, must have known that neither congress nor any functionary of the general government has authority to call such a convention, unless it be demanded by two thirds of the states. This suggestion, then, is another instance of the reckless inattention to the provisions of the constitution with which this crisis has been madly hurried on, or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina 'anxiously desire' a general convention 'to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they 'earnestly seek' it is completely negatived by the omission.

"This, then, is the position in which we stand. A small majority of the citizens of one state in the union have elected delegates to a state convention: that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the union. The governor of the state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the state. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM, not only that the duty imposed on me by the constitution, 'to take care that the laws be faithfully executed,' shall be performed to the extent of the powers already invested in me by law, or of such others as the wisdom of congress shall devise, and entrust to me for the purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they incur by obedience to the illegal and disorganizing ordinance of the convention—to exhort those who have refused to support it to persevere in their determination to uphold the constitution and laws of their country, and to point out to all, the perilous situation into which the good people of that

state have been led—and that the course that they are urged to pursue is one of ruin and disgrace to the very state whose rights they affect to support.

“Fellow-citizens of my native state!—Let me not only admonish you, as the first magistrate of our common country, not to incur the penalties of its laws, but use the influence that a father would over his children whom he saw rushing to a certain ruin. In that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws. The effect of those laws are confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the union, and bear none of its burdens.

“Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back at the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive; it was added, that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive, with too much confidence, the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders, the unconstitutionality must be *palpable*, or it will not justify either resist-

ance or nullification! What is the meaning of the word *palpable*, in the sense in which it is here used? that which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavouring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general consumption in your state. The importance of this change was underrated, and you were authoritatively told, that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

“I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part! Consider its government, uniting in one bond of common interest and general protection so many different states, giving to all their inhabitants the proud title of AMERICAN CITIZENS, protecting their commerce, securing their literature and the arts, facilitating their intercommu-

nication, defending their frontiers, and making their name respected in the remotest parts of the earth ! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind ! See education spreading the lights of religion, morality, and general information, into every cottage in this wide extent of our territories and states ! Behold it as the asylum where the wretched and the oppressed find a refuge and support ! Look on this picture of happiness and honour, and say—**WE TOO, ARE CITIZENS OF AMERICA :** Carolina is one of these proud states : her arms have defended, her best blood has cemented this happy union ! And then add, if you can, without horror and remorse, this happy union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard—And for what, mistaken men !—for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honour of the union ? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbours, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation ? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences ? Do our neighbouring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy ? But the dictates of a high duty oblige me solemnly to announce that you can not succeed.

“ The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you ; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion ; but be not deceived by names ; disunion by armed force is **TREASON.** Are you really ready to incur its guilt ? If you are, on the heads of the instigators of the act be the dreadful consequence,—on their heads be the dishonour, but on yours may fall the punishment—on your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It can not accede to the mad project of disunion, of which you would be the first vic-

tims—its first magistrate can not, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow-citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity, with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with a triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that union, to support which, so many of them fought, and bled, and died. I adjure you, as you honour their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your state the disorganizing edict of its convention—bid its members to re-assemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honour—tell them that compared to disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star spangled banner of your country shall float over you : that you will not be stigmatized when dead, and dishonoured and scorned, while you live, as the authors of the first attack on the constitution of your country !—its destroyers you can not be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

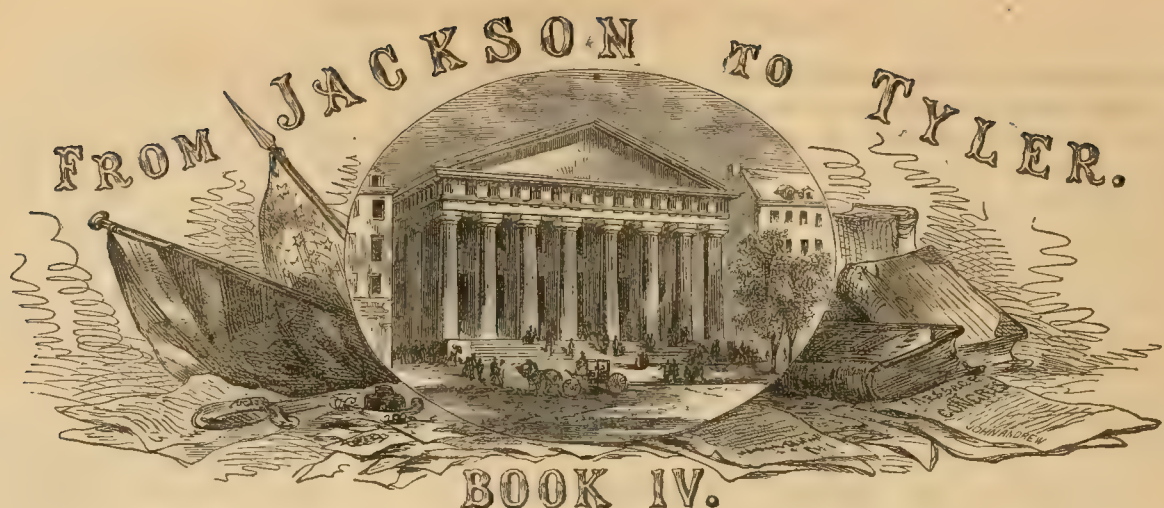
“ Fellow-citizens of the United States ! The threat of unhallowed disunion—the names of those once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjunction demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action ; and as the claim was asserted of a right by a state to annul the laws of the union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give

to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justice of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and, if it be the will of heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

“Fellow-citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred union will be preserved, and the blessings it secures to us as one people, shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

“May the great ruler of nations grant that the signal blessings with which he has favoured ours, may not, by the madness of party, or personal ambition, be disregarded and lost: and may his wise providence bring those who have produced this crisis to see the folly, before they feel the misery of civil strife: and inspire a returning veneration for that union which, if we may dare to penetrate his designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.”

The language of the proclamation is too precious to be forgotten. The second election of General Jackson was of a decided character. The opposition was overwhelming. After this event, he made a tour to the eastern and northern states. Every where he was received with enthusiasm. Party feelings were forgotten, and the president alone was considered. A brave and generous people received a gallant commander, with every demonstration of respect and admiration. The most ancient university in the country made him a Doctor of Laws. He visited Bunker Hill, saw the plains of Lexington, ground sacred to the descendants of the Pilgrims, and returned with their warmest wishes for his prosperity.



SEVERAL events which occurred during the first term of the presidency of General Jackson, may with propriety be referred to, before we proceed to consider the measures of his second administration. His elevation to the chief magistracy is regarded as the period from which is to be dated the introduction of several new doctrines and practices in the administration of the national government. These were adopted and pursued also by his successor, and constituted the chief ground for the nomination and election of General Harrison. President Jackson claimed powers which had never been assumed by any of his predecessors. Soon after his inauguration, he dissolved his cabinet because they differed upon points of etiquette quite unconnected with public affairs. He appointed Mr. Moore minister to Colombia, thus recalling General William Henry Harrison, who had been residing at Bogota a short time in that capacity, having received his appointment from Mr. Adams. The contest between Bolivar and the friends of liberty in the republic of Colombia was, at that time, warm and violent. The great champion of national independence had become the leader of a powerful party opposed to constitutional republicanism, and had proposed to establish over the Hispano-South-American countries a vast hereditary monarchical and aristocratical government, with himself at its head. His splendid project for a strong government first received the support of the auxiliary army which he commanded in Peru, and afterwards of many of the people of Colombia. Certain foreign agents at Bogota cherished this anti-American project, and the presses, writers, and orators, enlisted in the interest of the new party, advocated principles far better suited to the old, than to the new world. The vice-president of Colombia, General Francisco de Paila Santander took the front rank in opposition to these attempts; and he, with his friends, turned with confidence for sympathy

to the United States. But they found their object and motives generally misunderstood in the country which they had made their political model.

General Harrison's presence at Bogota was very opportune, and his sound principles, frankness, and honesty, boldness and decision, soon conciliated the confidence and encouraged the hopes of the friends of freedom. One of the earliest acts of General Jackson was the recall of our minister, and the transmission of a letter to General Bolivar, which was thought to hold language of rather doubtful import, if not decidedly favourable to the ambitious project which he was pursuing; and a contrast was drawn between it and the frank and glowing terms of an appeal which General Harrison had made to the same distinguished South American. On his landing in New York, he received marked tokens of respect from the citizens, on account of the course which he had adopted.

General Jackson was in favour of a course of policy towards the Indian nations residing within the bounds of some of the Southern States, which had been proposed, and recommended for some time before his accession to office. The Cherokees had claimed the protection of the United States against the encroachments of Georgia, showing fourteen treaties in which their right in perpetuity to their lands in that state had been acknowledged by the government; several of these treaties bore the signature of Andrew Jackson as agent for the United States. The president, however, recommended to them the abandonment of their lands for a reasonable consideration, that they might remove beyond the Mississippi; and at the same time he declined to interfere for their protection, on the ground that it would be an unwarrantable encroachment on the jurisdiction of a sovereign state. A large territory was designated, by act of congress, west of the Mississippi, which was divided into suitable portions for several different nations, and a title

was promised, upon a *nation's faith*, that should be secure forever. It is hardly to be wondered at that the Cherokees generally rejected the offer, expressing a strong attachment to their native land; and petitions were sent to congress in their behalf from the northern parts of the Union, but in vain. The legislature of Georgia passed acts calculated to force the Indians into emigration, and forbidding any white man to reside in their territory without taking an oath to support the constitution and laws of the state.

There were at that time three gentlemen, missionaries of the American Board of Commissioners for Foreign Missions, residing in the Cherokee country, who had established schools and churches, and were fast bringing the people into a more civilized state. Having declined the oath prescribed, on the ground that the acts of the legislature were opposed to the constitution of the United States, they were arrested, tried, condemned, and imprisoned in the Penitentiary of Georgia, (September, 1831,) where they remained at hard labour, until the United States Supreme Court declared the law under which they had been sentenced "unconstitutional, null, and void;" soon after which they were released, but were left without redress. Georgia prosecuted her plans for the removal of the Indians, and, by dividing their valuable lands among the inhabitants, enlisted the population warmly in its favour. Two parties were formed among the Cherokees, one in favour of removal, and the other opposed to it, and each claiming the power of holding or disposing of the lands. The claims of the party in favour of removal were acknowledged by our government, and the Indians gradually emigrated to the new territory, though with loud complaints of broken faith, national injustice, and cruel oppression. The Choc-taws, Chickasaws, &c., were also induced to remove; but some large bodies of these reluctant emigrants suffered severely from privations, fatigue, and change of climate, on their way, and hundreds of lives were lost before they reached the place of their destination.

General Jackson, soon after his inauguration, distinctly avowed the intention of putting his own interpretation on the terms of the constitution, and of acting as his own judgment might dictate. As it was understood that he thought himself at liberty, or rather bound in duty, to disregard and to set aside all previous interpretations, by whomsoever made and sanctioned, whenever they might appear to him incorrect, this declaration created some alarm. Before President Jackson's election, the veto power had been

but very rarely used, and it was generally regarded as a power intrusted with the chief magistrate only for a few extraordinary possible emergencies. He first introduced the practice of resorting to it with frequency; at the same time, he claimed powers which had never been before allowed to the president, viz., of being "a coördinate branch of the government," meaning that a part of the legislation was intrusted to him. On this principle he acted in a number of instances, chiefly by putting his veto on bills which had been passed by congress. In some cases, however, he withheld bills so long that they could not become laws; and this was complained of as being a still greater stretch of power. A striking instance occurred in the case of a bill making appropriations for coast surveys, which it was thought would have received the votes of two thirds of each house; he did not return it with his reasons for withholding his signature, but retained it until the term when the existing congress had expired, so that it never could be brought up again, except as a new bill. General Jackson had repeatedly expressed a wish for an amendment of the constitution, to limit the election of president to one term of four or six years; and his acceptance of a nomination for a second term was therefore regarded as being an act in opposition to his avowed opinions.

With Great Britain there was still pending the question of the unsettled north-eastern boundary. It had been referred for arbitration to the king of the Netherlands; but his award was not accepted by the United States, because in it he had proposed the cession to Great Britain of a large tract of land described in the treaty of 1783, and allowed in that of Ghent, in 1815, as belonging to us. The question was therefore left unsettled, and has continued to give rise to disturbances and difficulty to the present time.

In the year 1832, a new apportionment was made of representation, founded on the results of the census taken in 1831. In 1791, it was enacted that one representative in congress should be chosen for every thirty thousand persons; in 1801, for thirty-three thousand; in 1811, for forty thousand: in 1831, the number was raised to forty-seven thousand. In 1832, a new pension law was passed, which made a provision for all surviving soldiers of the revolution, who had served six months or more; they were granted a sum of money annually, equal to the pay at that time in the army. The same year congress adopted a new tariff, by which the former high duties on high-priced woollen goods were continued with

little diminution, but those on low-priced ones were greatly reduced. Those valued below thirty-five cents per yard had previously been subject to a duty of more than one hundred per cent. Wool had been subject to a duty of four cents per pound, and an *ad valorem* duty of fifty per cent. Now, that which cost under eight cents per pound was free from duty, while that above eight cents was subject to a duty of four cents, and an *ad valorem* duty of forty per cent. The duties on silk, teas, and wines, were greatly reduced, and those on cotton cloths and iron in a less proportion. All duties whatever were taken off from common teas imported directly from beyond the Cape of Good Hope. The new tariff, however, was *not* satisfactory to the Southern States; they had strongly urged the repeal of that adopted in 1828, because it was still regarded as founded upon the principle of protecting domestic manufactures, or the American system, as the plan of fostering native industry was denominated. In 1831, the difficulties which had for some time existed between the United States and Mexico were brought to a favourable termination, by a treaty of boundaries, and one of commerce and navigation. A convention was also concluded with France, by which were allowed most of the claims of American citizens for depredations on commerce in the periods of the directory, the first consulship, and the empire. The French, in previous negotiations on this subject, had presented a claim founded on the failure of the United States to fulfil an engagement to assist them in the defence of the West Indies against Great Britain: a reply had been made that the course of events subsequent to that engagement fully excused the United States from performing it; but with this explanation the French commissioners had never been satisfied. The justice of our claim and the futility of the opposing one were admitted, and a promise was given that the amount due should be paid, excepting a certain sum which was to be retained on account of claims on the United States; at the same time, the French agreed to waive certain important commercial privileges, which they claimed under their construction of the treaty for the cession of Louisiana; and it was also arranged that the duties on French wines imported into the United States, and those on cotton imported into France, should be reduced. When the time of payment arrived, however, the money was not sent; and a long delay led to a threatening state of things between the two countries, three years afterwards.

The French government, at the latter period, showing a disposition still longer to avoid the fulfilment of their stipulation, General Jackson made an imperative demand, in terms which were at first retorted by the French. Some time after, the chamber of deputies voted the supply of the amount due, which was received in successive instalments, and distributed among the holders of claims through the Union.

The contest cost the French on one occasion a change of ministry: a more particular account of the matter will be found in its proper place. Much time was occupied by congress in discussing the question respecting the disposition of the public lands. As these lay in the new states, some of the western members proposed that they should be given up to those states within whose boundaries they were comprehended. But there were other plans presented by other members, such as the sale of them at low prices and on long credit, for the purpose of encouraging rapid settlement. At length a bill upon the subject passed both houses, in 1833, and was sent to the president for his signature; but he refused to sign it, and it was lost for want of a majority of two thirds in both houses. The vote in the senate was twenty-four to twenty, and that of the house of representatives, ninety-six to forty.

Among the most remarkable events which transpired in the course of the few preceding years, we may mention the following: In June, 1831, the greater part of the capital of the state of North Carolina was accidentally destroyed by fire, with the much admired statue of Washington, which had been sculptured in Italy by the celebrated Canova, and purchased at great expense. James Monroe, ex-president of the United States, died in New York on the 4th of July of the same year, being the third ex-president who deceased on the anniversary of our national independence. In consequence of the massacre of the crew of an American trading vessel at Qualloh Battoo, in the Island of Sumatra, the United States frigate Potomac had been ordered to stop at that place on her voyage round the world, with instructions to destroy the town, if satisfaction should be refused. On the 3d of February, 1831, after an unsuccessful attempt to negotiate, the forts were surprised in the night, the town was burnt, and about one hundred and fifty of the natives killed, including several women. This severe measure against a tribe of ignorant savages was condemned by many as useless, inhuman, and disgraceful to an enlightened







and Christian nation. In April, a treaty was formed with the Creek Indians, by which they surrendered all their land east of the Mississippi River. The building occupied by the treasury department in Washington, was destroyed by fire on the 31st of March, 1833, with most of the contents.

Andrew Jackson was inaugurated a second time president of the United States on the 4th of March, 1833, and Martin Van Buren, of the state of New York, vice-president; this gentleman was his decided personal and political friend. Mr. Van Buren had been a senator of the United States, and governor of New York; he had been nominated by General Jackson minister to England, but the senate had rejected the nomination on the 25th of January, 1831. This measure, on the part of the senate, was regarded by his friends as an indignity, and formed one of the grounds for his nomination and election to the vice-presidency. The message which President Jackson presented contained the following expressions: "There are two objects relating to the domestic policy of the government, which especially deserve both the attention of the people and of the representatives, which have lately been, and will probably continue to be, subjects of deep solicitude; and these are, the preservation of the rights of the states and the integrity of the Union. These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each, within its appropriate sphere, in conformity with the public will constitutionally expressed. It becomes the duty of all, therefore, to yield a ready submission to laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several states, and of the United States, which the people have ordained for their own government." On the subject of foreign relations, the president declared the policy pursued by the government of the country had been "crowned with almost complete success, and has elevated the American character among the nations of the earth. So happy have been its results, that we are at peace with all the world, and have few causes of controversy, and those of minor importance, remaining unadjusted." He added that it was his "fixed and solemn purpose to exert all his best faculties to maintain the just powers of the constitution, and to transmit unimpaired to posterity the blessings of the Federal Union."

One of the leading features of the policy of General Jackson was opposition to the Bank of the United

States. The charter of that institution was to expire in 1836, and he proposed in several of his messages that it should not be renewed. He even went so far as to pronounce it an unsafe depository of the public money, although a committee of congress had a short time before made a report on it as safe, after an investigation of its condition. The president, on different occasions, recommended substitutes of several different kinds, on various principles, but all resembling each other in this respect, that they would place the public money more under the control of the government. The course which he pursued had the effect to injure and embarrass the bank to some extent, as well as to bring into vogue a doctrine in political economy which has generally been considered unsound, viz., that a hard money currency is preferable to paper under *all forms and circumstances*. It became common to hear that, under a new system, which remained to be developed, gold and silver would take the place of bank paper, and become abundant throughout the country. On the 23d of September, 1833, it was announced by the "Globe," the official paper, that the president of the United States, having, after a very full and careful examination, come to the conclusion that the public deposits ought to be changed to the state banks, "had read a communication to his cabinet containing his reasons in favour of removing the deposits from the Bank of the United States." He begs his cabinet to consider the proposed measure his own, "in support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." It was announced, a few days afterwards, that William Duane, secretary of the treasury, having *declined* to sign the order for the removal of the deposits from the Bank of the United States, was removed from office, and Roger B. Taney appointed in his place. The step on which the president had decided was then taken without further delay, and, on the 1st of October, the new secretary removed the collection of the public money to certain selected banks in different parts of the country. At the opening of congress, a multitude of petitions were presented from different parts of the country, representing business of all kinds as greatly injured by the state of the currency, and want of confidence arising out of the measures of the president in relation to the public money, praying that the deposits

might be restored to the keeping of that institution, to which they had been confided by the laws. This subject became the leading topic with both houses through the session. Mr. Taney, who had been appointed secretary of the treasury in the recess of congress, made a report to both houses on the 4th of December, relating to the removal of the public deposits from the Bank of the United States, giving the reasons for that measure, and on the 4th of February, 1834 a message was sent by the president in relation to the conduct of the bank. It stated that, when the secretary of the treasury had demanded the delivery of some of the public money, in their keeping, it was refused, on the ground that he was not authorized by law to make the demand. The president, in that document, censured "the conduct of the Bank of the United States in refusing to deliver the books, papers, and funds, relating to the execution of the act of congress of June 7, 1832, entitled 'An Act supplementary to the act for the relief of certain surviving officers of the revolution.'" The report of Mr. Taney was referred to a committee of the senate, of which Mr. Webster made a report on the 5th of December, which was adopted on the 28th of March, and embodied in a resolution which declared that "the reasons assigned by the secretary of the treasury for the removal of the money of the United States deposited in the Bank of the United States and its branches, communicated to congress on the 4th of December, 1833, are unsatisfactory and insufficient." This resolution passed by a vote of twenty-six to twenty; but it was laid on the table by the house of representatives, by a vote of one hundred and fourteen to one hundred and one. The following resolution, also, was adopted the same day by the senate, twenty-eight to eighteen: "*Resolved*, that the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, and in derogation of both." The house of representatives, in April, adopted these resolutions: 1st, "That the Bank of the United States ought not to be rechartered;" and, 2d, "That the public deposits ought not to be restored to the Bank of the United States." The former resolution was passed by a vote of one hundred and thirty-five to eighty-two, and the latter by one hundred and nineteen to one hundred and four. On the 17th, the president communicated to the senate a message and a protest against the resolution adopted by them on his proceedings respecting

the deposits, with a request "that the message and protest might be entered at length on the journal of the senate." To this they replied, by a resolution, adopted on the 7th of May, "That the protest communicated to the senate, on the 17th, by the president of the United States, asserts power as belonging to the president, which is inconsistent with the just authority of the two houses of congress, and inconsistent with the constitution of the United States, and that therefore the aforesaid protest is a breach of the privileges of the senate, and that it be not entered on the journal." About this time, numerous petitions were presented from different parts of the country, for and against the restoration of the deposits to the Bank of the United States; eight thousand seven hundred and twenty-one signatures only were against the restoration, while one hundred and fourteen thousand nine hundred and eighteen were in favour of it. Long debates arose on this question, which occupied most of the session.

The Indians in Florida, who had shown much unwillingness to emigrate, were at length supposed to have agreed to accept the offers made to them, for a treaty was contracted between General Jesup and a chief who professed to have sufficient authority for that purpose. It was agreed, in that treaty, that the Indians should receive certain sums for their lands and other property, and leave by a certain time, to occupy a portion of the new Western Indian Territory. The nation, however, refused to acknowledge the treaty and the authority under which it was contracted, and soon began to make aggressions upon the troops in the territory, retreating to regions extremely difficult of access when pursued. The lamentable contest which has been continued till the present time was commenced on the 18th of November, 1833, by an attack on Fort Crum, by a body of Seminoles, who killed nearly the whole garrison, consisting of thirty or forty Americans. A much more disastrous affair took place on the 28th of the same month, when two companies of United States troops, under the command of Major Dade, were ambushed and cut off almost to a man. A great part of the standing army was soon ordered to Florida, and enlistments were made, in successive years, to supply the mortality among the troops, caused chiefly by the unhealthiness of the climate, and the severe labours and exposures necessary in such an enterprise. The expense of money was complained of in congress, as well as some of the measures adopted at different stages of the war;

but the natural obstacles presented by the territory to the operations of an invading army, with protection offered to the savage defenders, and abundance of food, to which they had access in regions in the interior in their possession, have rendered the war one of the most harassing and costly, especially in the sacrifice of valuable officers. If the people of the United States, in any future case of a similar character, shall be inclined to learn wisdom from experience, they will prefer to observe peace, and avoid the charge of injustice and inhumanity in the view of mankind, by allowing to their uncivilized neighbours something nearer to the value of the lands of which they may wish to become the possessors. Both the whites and the Indians accuse each other of faithlessness and perfidy, of cruelty and falsehoods; and on both sides acts have been apologized for, on the ground that they have been provoked. From the complicated aspect of this war, and the fact that the Americans were the aggressors, and their enemies were fighting for their country and homes, there is reason to apprehend that future historians will find it difficult to present our national honour in unsullied purity.

In January, 1835, President Jackson sent a message to the senate on the pending negotiations with France, respecting the claims for indemnity. After remarking on the justice of the claim, he mentioned that nearly two years had elapsed since, on the 2d day of February, 1833, the first instalment promised had become due, and yet no provision had been made for its payment. "The idea," said he, "of acquiescing in the refusal of the execution of the treaty, will not for a moment be entertained by any branch of the American government." He expressed his conviction that "the United States ought to insist upon a prompt execution of the treaty, and, in case it is refused, to take redress into their own hands." He therefore recommended that "a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching sessions of the French chambers." He thought that "the American government would not give any just cause of war; for if France should, in violation of the laws of nations, make reprisals, on our part, the occasion of hostilities against the United States, she would add violence to injustice, and could not fail to expose herself to the just censure of civilized nations, and to the retributive judgments of Heaven." Mr. Clay made a long and able report on the subject thus introduced

to the senate. As the president had suggested two courses to be adopted towards France in the existing juncture, he considered them both at large. They were, first, to make reprisals, as above stated, and, second, to take no immediate steps, but wait for the result, in reliance on the good faith and justice of the nation. Although the president had expressed a preference for the former, Mr. Clay approved of the latter; and his report closed with a resolution offered by the committee, and adopted by the senate, in these terms: "That it is inexpedient to grant power to the president to make reprisals of French property." The proposal of the president to take so violent, unusual, and hostile a step as the seizure of the property of citizens of France residing in this country, or visiting it for commercial or other purposes, was not received with much approbation by the people, while it threw confiding and unoffending foreigners into a state of great alarm. They were soon relieved for a time from their apprehensions; but the extraordinary conduct of the French government soon after threatened to involve them in circumstances equally distressing. On the 6th of December, 1836, General Jackson delivered his last annual message to congress, in which, after speaking of the state of the country as prosperous, and the foreign relations as on the whole amicable, he adverted to the treasury in terms like the following: "Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the government." * * * "This must be retained in the treasury as it now is, or distributed among the people, or the states. To retain it in the treasury as it now is, is impracticable. It is, besides, contrary to the genius of our free institutions to lock up in vaults the treasury of the nation. To collect merely for distribution among the states will seem to be highly impolitic, if not as dangerous as the proposition to retain it in the treasury." * * * "About three fifths of the duties on imports are paid in the city of New York; but it is obvious that the means to pay these duties are drawn from every quarter of the Union." * * * "The safest and simplest mode of obviating all these difficulties is, to collect only revenue enough to meet the wants of the government." With respect to the currency, he remarked that, "although various dangers to our institutions were obviated by the failure of the Bank of the United States to obtain the renewal of its charter, little more had yet been done towards the securing of a better currency (meaning

gold and silver) than a salutary change in public opinion."

The president communicated a message to congress on the 21st of January, 1836, informing them that our minister in France having, according to his instructions, asked for the final determination of the French government respecting the payment of the indemnification secured by the treaty of July 4, 1831, a reply had been received from the French minister. This reply, however, stated that explanations would be required from the American government, of such a nature as could never be given, and an answer, the president declared, had already been returned with this assurance. The following extract shows the spirit of the communication of the French minister: "The payment will be made when the government of the United States is ready, on its part, to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding that has arisen between the two countries; that this misunderstanding is formed on a mistake; that it never entered into its intention to call in question the good faith of the French government, nor to take a menacing attitude towards France." Another expression was the following: "If the government of the United States does not give these assurances, we shall be obliged to think that this misunderstanding is not the result of an error." After quoting this language, the president, in his address, asked, "Does France want a degrading, servile petition, in terms which she will dictate, and which will involve an assumed right to interfere in our domestic councils? She will never obtain them. The spirit of the American people, the dignity of the legislature, and the firm resolve of their executive government, forbid it." After remarking that France had acknowledged the justice of our claim, he proposed "the prohibition of the introduction of French imports, and the entry of French vessels in our ports." As our *chargé d'affaires* had returned, in consequence of the unfriendly state of the negotiations, and, according to the latest accounts, the French government had given orders for active preparations for war in the navy-yards of the kingdom, serious apprehensions were entertained of the result. The steady firmness of the president was generally approved, and the universal opinion was, that the extraordinary demand made through the French minister ought to be utterly rejected. The two countries were relieved from their threatening danger, and happily delivered from an embarrassing position, by a prompt and

friendly offer of mediation, made by the king of England, through Charles Bankhead, his *chargé d'affaires* at Washington. This offer, having first been made to the king of the French, was instantly accepted by him; and General Jackson, in his reply, through Mr. Forsyth, made on the 16th of February, 1836, showed an equal readiness to avoid a war, and to acknowledge the kindness shown by the king of England. The following is an extract: "By the fulfilment of the obligations of the convention between the two governments, the first cause of difference will be removed; and the president anticipates that the benevolent and magnanimous wishes of his Britannic majesty's government will be speedily realized, as the temporary estrangement between the two nations, who have so many common interests, will, no doubt, be followed by the restoration of their ancient ties of friendship and esteem." The secretary was further instructed to express to his Britannic majesty's government how sensible the president is of the anxious desire "it has displayed to preserve the relations of peace between the United States and France, and the exertions it has prepared to make to effect that object, essential to the prosperity, and congenial to the wishes, of the two nations, and the applause of the world."

The specie circular was issued by the secretary of the treasury on the 11th of July, 1836. It was addressed to the receivers of public money and the deposit banks; and it directed them to receive only specie in payment for public lands sold, from the ensuing 15th of August, with an exception in favour of actual settlers, or inhabitants of the states in which the lands should be situated. This measure produced general surprise and consternation among men of business, the state of the country being such, that the derangement of the currency, already very great, was likely to be much increased by it. Soon after the meeting of congress, two resolutions were introduced into the senate, of the following purport: The first repealed the treasury order or circular, and the second declared "that it shall not be lawful for the secretary of the treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs or for the public lands; nor shall he make any discriminations in the funds as receivable between different individuals, or between the different branches of the public revenue." Mr. Webster spoke in favour of these resolutions at length, and the discussions occupied much attention during the session. Several other measures were brought before congress; but

most of them failed, in consequence of want of harmony between the different branches of the government. Among them were the fortification bill, (with a clause, which had been appended to it, for the distribution of the surplus revenue,) the land bill, the army bill, and the bill for the reduction of the revenue. A bill to regulate the currency, which had passed both houses, and had been sent to the president for his signature, he retained until it expired in his hands by the lapse of time. In fact, none of the most important bills of the session became laws, except the appropriation bills, which were indispensably necessary to the operation of the government.

Martin Van Buren was inaugurated president of the United States on the 4th of March, 1837. He delivered his inaugural address on the eastern portico of the Capitol, in the presence of the senate, the heads of the departments, the foreign ministers, many of the officers of the government, and a large assemblage of citizens, the oath of office having been administered by Chief Justice Taney. After speaking in terms of the highest respect of his predecessor, and giving an extensive view of the progress made by the United States in numbers, power, and wealth, he expressed his feelings respecting the abolition of slavery in the following terms: "I go into the presidential chair the inflexible and uncompromising opponent of every attempt on the part of congress to abolish slavery in the District of Columbia, against the wishes of the slaveholding states, and also with a determination equally decided to resist the slightest interference with it in the states where it exists." * * * "No bill conflicting with those views can ever receive my constitutional sanction." The election of Mr. Van Buren was effected by one hundred and sixty-seven votes, against fourteen for Daniel Webster, seventy-three for General Harrison, twenty-six for Hugh L. White, and eleven for W. P. Mangum. Richard M. Johnson was elected vice-president by one hundred and forty-four votes. Mr. Van Buren's cabinet consisted of the following members: John Forsyth, secretary of state; Levi Woodbury, secretary of the treasury; J. R. Poinsett, secretary of war; Mahlon Dickerson, secretary of the navy; and Benjamin F. Butler, attorney-general.

The great and general commercial embarrassments which prevailed in 1837 were attributed, by most men of business, to the interference of the government with the credit of the national bank and the currency of the country. Numerous petitions were laid before congress, at their extra session that year, praying for

measures to restore public credit, and avert the extensive and alarming evils, which already threatened a general bankruptcy. A very large meeting was held by the merchants of New York, who appointed a numerous committee to bear their resolutions to Washington; but their efforts, combined with those made in other places, had no effect on the president, who, in his message, affirmed that congress had no power to do any thing in the case, any measure that might be advised for the relief of commerce being beyond the constitutional sphere of their duties. On this subject his views were regarded as quite new, when they were expressed in his message to congress on its assembling. He said, "*That the government and the people were in a great degree independent, and unconnected in interest and spheres of action; and that each was properly bound to care and provide for itself, without regard to the business of the other.*" This doctrine appeared to be in opposition to the common opinion, that the government was created and supported expressly for the good of the people, and of *no value for any other purpose*. The president, with these views, declined all exertion for the improvement of commerce or the relief of existing embarrassments; but the congress devoted their chief attention to the aid and relief of the government, for which they authorized the issue of ten millions of dollars in treasury notes, and gave the secretary of the treasury power to borrow money, if he should find it necessary. As the notes were made negotiable, they became, in fact, mere paper money. In the year 1838, the issue of a similar amount of treasury notes was again authorized, and once more in 1839, after a part of the former notes had been redeemed. In October 1837, the law was suspended which had been passed the year previous, providing for the distribution of the surplus funds of the government to the several states, after three quarters of the amount had been distributed. It soon proved that some portions of the national funds, which had been withdrawn from the Bank of the United States, had been deposited in other banks at a disadvantage, as losses occurred through their mismanagement or misfortune. As the places of deposit were left entirely at the discretion of the secretary of the treasury, and, according to the new doctrines, he was under the control of the president, he was regarded as responsible for the consequences. Soon after the opening of the session, a resolution was offered in the senate for the expunging from the journal of the resolution, passed in 1834,

censuring General Jackson. After a long debate, it was adopted, on the 16th of January, 1837, by a vote of twenty-four to nineteen; and, in obedience to it, the clerk drew black lines around it, to signify its repeal with disapprobation. This extraordinary mutilation of the records of the senate is regarded to this day with astonishment, and some of the senators, whose votes produced the result, have keenly regretted the precedent which they so rashly afforded. In the course of the debate, Mr. Clay made a speech, from which the following are extracts: "Our British ancestors understood perfectly well the importance of the money power in a representative government. It is the great lever by which the crown had been made to conform the administration to the interests of the kingdom and the will of the people. * * * Our immediate ancestors, profiting by the lessons on civil liberty which had been taught in the country from which we spring, endeavoured to place around the public purse, in the hands of congress, every possible security against the intrusion of the executive. With this view, congress alone is invested by the constitution with the power to lay and collect the taxes. When collected, not a cent is to be drawn from the public treasury but in virtue of an act of congress. And among the first acts of this government was the passage of a law establishing a treasury department, for the safe keeping and the legal and regular disbursement of the money so collected. By that act, a secretary of the treasury is placed at the head of that department; and, *varying in that respect from the other departments, he is to report, NOT TO THE PRESIDENT, but directly to congress*, and is liable to be called to give information in person before congress. It is impossible to examine dispassionately that act, without coming to the conclusion that it is implicitly the agent of congress in performing the duties assigned by the constitution to congress. The act further provides that a treasurer shall be appointed to receive and keep the public money; and none can be drawn from his custody but under the authority of law, and in virtue of the warrant drawn by the secretary of the treasury, countersigned by the comptroller, and recorded by the register. Only when such a warrant is presented can the treasurer lawfully pay a dollar from the public purse. Why was the concurrence of these four officers required in disbursements of the public money? Was it not for further security? Was it not intended that each, exercising a separate and independent will, should be a check upon every other?

* * * Thus stood the treasury from 1789 to 1816. During that long period, no president ever attempted to interfere with the custody of the public purse. It remained where the laws placed it, undisturbed; and every chief magistrate, including the father of his country, respected the law. In 1816, an act passed to establish the late Bank of the United States, for the term of twenty years; and by the 16th section of the act, it is enacted 'that the deposits of the money of the United States, in places in which the said Bank of the United States, and the branches thereof, may be established, shall be made in said bank, and branches thereof, unless the secretary shall at any time otherwise order and direct; and the secretary of the treasury shall immediately lay before congress, if in session, and, if not, immediately after the commencement of the next session, the reasons for such order or direction.' Thus it is perfectly manifest, from the express words of the law, that the power to make any order or direction for the removal of the public deposits is confided to the secretary alone, to the absolute exclusion of the president, and all the world besides. And the law, proceeding upon the established principle that the secretary of the treasury, in all that concerns the public purse, acts as the direct agent of congress, requires, in the event of his ordering a removal of deposits, that he shall immediately lay the reasons therefor—before whom? The president? No—before congress. So stood the public treasury, and the public deposits, from the year 1816 to September, 1833. In the session of congress of 1832 and 1833, an inquiry had been instituted by the house of representatives into the condition of the Bank of the United States. It resulted in a conviction of its entire safety, and a declaration of the house, made only a short time before the adjournment of congress, on the 4th of March, 1833, that the public deposits were perfectly secure. This declaration was probably made in consequence of suspicions then afloat of a design, on the part of the executive, to remove the deposits. Those suspicions were denied by the press friendly to the administration. Nevertheless the members had scarcely reached their homes, before measures were commenced by the executive for the removal of the deposits from that very place of safety which it was among the last acts of the house to declare existed in the Bank of the United States! In the prosecution of the design, Mr. McLean, the secretary of the treasury, who was decidedly opposed to the measure, was advanced to the depart-

ment of state, and Mr. Duane was appointed to succeed him. But Mr. Duane was equally convinced with his predecessor that he was forbidden by every consideration of duty to execute the power with which the law had invested the secretary of the treasury, and refused to remove the deposits; whereupon he was dismissed from office, a new secretary of the treasury was appointed, and in September, 1833, by the command of the president, the measure was finally accomplished.

In December, 1837, an attempt was made, by persons calling themselves *patriots*, to effect a revolution in Canada. A body of about one thousand occupied Navy Island, in Niagara River. Most of them were Canadians; but there were many who went from the state of New York, and other parts of the frontier. They were under the command of a Mr. Van Renssalaer, of Albany, who assumed the title of general. They threw up fortifications, and mounted cannon which they had taken by force from a state arsenal, showing a determination to hold the position which commanded Chippewa, until an opportunity should offer to land on the British side. A British colonel, who had collected a force of two or three thousand men on the main land, despatched five boats, on the evening of December 29th, to capture or destroy the American steamboat *Caroline*, which, he said, had been employed that day in transporting the patriots from the American side to that island. They found the vessel lying near the shore at Fort Schlosser, in our waters, with thirty or forty men in her; and, in boarding her, killed one of them. They then towed her into the stream, set her on fire, and destroyed her. This act produced some excitement in the United States, where it was regarded by many as an unjustifiable violation of our territory, with the destruction of American property, attended with murder. The government of Upper Canada, however, justified it on the ground that the men in whose service the boat was employed, were pirates. Major-General Winfield Scott was officially ordered by Mr. Poinsett, secretary of war, to "repair without delay to the frontier, and assume the military command there." Duplicate letters to the governors of New York and Vermont were enclosed to him, in which they were requested to call into the service of the United States such a military force as General Scott might deem necessary, and which it was recommended should be drawn from parts of those states distant from the scene of action.

'The disposition of the force with regard to the

points to be occupied," said the letter, "is confided to your discretion, military skill, and intimate knowledge of the country; and the amount of that force must depend upon the character and duration of that contest now going on in Canada, and the disposition manifested by the people and the public authorities of that colony." The following letter was addressed to the governor of New York:—

"DEPARTMENT OF STATE, }
WASHINGTON, December 7, 1837. }

"SIR: A contest having commenced in a territory of Great Britain, adjoining the United States, between portions of the population and the government, during which attempts have been made to violate the laws of the United States, passed to preserve the relations of amity with foreign powers, and to fulfil the obligations of our treaties with them,—by the directions of the president, I have the honour to request the attention of your excellency to any movements of that character that may be contemplated in the state of New York, and your prompt interference to arrest the parties concerned, if any preparations are made of a hostile nature against any foreign power in amity with the United States.—I have the honour to be, sir, your obedient servant,

JOHN FORSYTH.

"To His Excellency WILLIAM L. MARCY, }
Governor of New York." }

Similar letters were addressed on the same day to the governors of Vermont and Michigan; and the district attorneys of those states were "earnestly enjoined," in letters addressed to them, "to prosecute, without discrimination, all violators of laws and treaties," &c. The confidence placed by the secretary in the skill, energy, and faithfulness, of General Scott, was fully justified by his exertions and success;—for, without resorting to any violent measures, the insurgents were compelled to abandon their enterprise. They evacuated Navy Island on the 13th of January, 1838; crossed to Grand Island; there they surrendered their arms; and then, landing on the opposite American shore, where the New York militia, who had been called out by the governor, were assembled, the insurgent leader, Van Renssalaer, was there arrested by the marshal, and taken to Buffalo, where he obtained bail to answer for his appearance at the next term of the Supreme Court. The whole number of persons who were found on the island was about six hundred and fifty.

About the same time, a considerable body of men appeared in the neighbourhood of Detroit, with the design of acting in concert with those of Navy Island,

by invading the adjoining part of Canada. The city arsenal was broken open in the night, and robbed of all the state arms it contained; the jail was entered for the same purpose; and four hundred stands of arms were openly seized by force at Monroe. Several hundred men were enlisted in the neighbouring counties, and a body of insurgents set the civil authorities at defiance. General Scott, however, soon succeeded in dispersing the force, and thus relieved the country from all apprehension.

Within the period embraced by the presidential terms of General Jackson and Mr. Van Buren, events are to be noticed which indicated changes in the opinions, practices, or circumstances, of society. On the one hand, there was a greater external show of respect for the founders of the states, by centennial and other celebrations. On the other, there were alarming evidences of a departure from old principles and habits, and an extensive deterioration of public morals. Evil symptoms were seen in the abusive language of the periodical press, and the virulence of party spirit, and the false principles too often avowed, and even made a subject of open profession. What chiefly alarmed the apprehensions of reflecting men, however, was the frequency and extravagance of mobs, which prevailed at intervals, for several years, in a number of the cities and towns in different parts of the Union. A society for the abolition of slavery in the Union had been in existence several years, composed chiefly of persons residing in the Northern and Eastern States. Discussions soon arose between them and the Colonization Society, which gave room for public meetings and publications, in which warm expressions were used, and the subjects in debate between them soon attracted general attention. The southerners objected to the discussion of the question of slavery, and still more to the existence of societies for emancipation out of the slave states, as a virtual violation of their constitutional rights, claiming that the sole management of their slaves was left with them, and that otherwise the Southern States would never have consented to join the Union. They remonstrated against the agitation of the question, as dangerous to the tranquil use and enjoyment of their property, and even to the safety of their lives. On the other hand, the abolitionists claimed, as the right of freemen, the liberty of discussing the question of slavery in all its relations, as well as every other question, whatever; and pronounced the pretensions of the slaveholders unfounded, unconstitutional, and

arrogant. Acrimonious language was used on both sides, mingled with expressions which were easily construed as threats; and acts were performed inconsistent with the rules of propriety and the laws of the land. Most of the mobs which, at different periods, disturbed the public peace, owed their origin to the excitement thus produced; though many unoffending persons by them lost their property, and sometimes their lives. In a number of instances, men were seized and beaten, or otherwise ill treated, on suspicion of being agents or members of abolition societies, without trial, or after a mock process, in which some of the forms of law were gone through in mockery, before a self-constituted court. This lawless manner of proceeding was for a time quite common in some parts of the country, under the name of *Lynch* law; and it was too often justified or excused by a corrupt and time-serving press. One of the first mobs which occurred was excited in the city of New York, by an unfounded inflammatory charge, made in a daily paper, against a respectable clergyman. Unfortunately, neither the rioters were punished as they should have been, nor was the offending editor called to account for the public injury he had caused; and their impunity encouraged many ill-designing and more inconsiderate men to imitate their examples. In Philadelphia, on the 12th of August, 1833, about forty houses were destroyed, chiefly the habitations of colored people, and several lives were lost. On another occasion, a large and expensive building in the same city, erected for public lectures, &c., and called Pennsylvania Hall, was deliberately burnt by a numerous mob. In Boston, the assembling of abolition societies was, for a time, prevented by riotous crowds of men threatening to interfere with force.

It may not be improper to notice, in this connection, that, in the year 1840, the sloop *Amistad*, from Cuba, was seized by a United States vessel at the entrance of Long Island Sound, on suspicion of piracy. It was found to contain about forty Africans, who had been recently brought as slaves from Africa, sold to Spaniards, and embarked in that vessel, to be transported to another part of the island. They had seized the vessel by force, and killed some of the white men. The Africans were transferred to Connecticut, and imprisoned for some time at New Haven. They were claimed by the reputed owners in Cuba; but, after the delay of many months, the Supreme Court of the United States decided that they should not be surrendered to them, but set at liberty. Among other

counsel retained for the Africans, they enjoyed the able services of the venerable Ex-president Adams, who volunteered his efforts, and highly distinguished himself by an eloquent plea. A committee of the Abolition Society, who had them in charge after their release, and provided them with subsistence and instruction, sent them to Africa in 1841. with a missionary, who, at their desire, was to undertake to introduce Christianity and learning into their country.

The session of the Pennsylvania legislature was interrupted by a mob on the 4th of December, 1838, so that the governor sent to Philadelphia for a detachment of militia. That very extraordinary occurrence took place in consequence of high political excitement. The election of the Philadelphia members was contested, on the opening of the session that morning, in the chamber of representatives; and two speakers were chosen, and two bodies organized by the opposite parties. In the afternoon, the senate were prevented from opening their session by a body of riotous men, who assembled about the door, and, when the senators had withdrawn, entered and occupied it. On the 8th, the troops of the first division of militia arrived from Philadelphia, and restored order. The two bodies in the house, however, continued to hold separate meetings, until the senate recognized one of them by a majority of one vote; and thus the disturbance ended.

The session of congress of 1839 and 1840 was greatly agitated in consequence of the early refusal of seats to the representatives from New Jersey. Congress met on the 26th of December, and the clerk of the house, after calling the names of the representatives from the New England states and New York, named only one of those from New Jersey, remarking that the seats of the other five were to be contested, and proposing to omit them. As they had brought *certificates of their election*, this proposition was opposed, and a prolonged and disorderly debate ensued. On the 4th of January, the Honourable John Quincy Adams was chosen chairman, and the subject was debated until the 16th. Mr. Hunter was then elected speaker, but without allowing the five members liberty to vote. On the following day, the other members took the oath, and the right of the five New Jersey members was denied by the rejection of a resolution offered to assert their claim. This measure produced great dissatisfaction, partly because it was effected by a vote of one hundred and sixteen to one hundred and twelve, the numbers being such that the five reelected

members would have placed the majority on the other side, if they had been permitted to vote. The delivery of the president's message was thus delayed three weeks.

The sect called *Mormons*, who had assembled in large numbers in the west, and were marching about in search of a settlement about this time, caused much difficulty in Missouri. Imagining themselves to be under the express guidance of the Almighty, they moved about for a time without any fixed plan, until they found themselves in want of provisions as well as habitations; and on the 28th of October, 1828, they surrendered to General Atkinson, who was at the head of three thousand Missouri militia. Their whole number was said to amount to five thousand, and among them were seven hundred armed men. On the borders of Ray county, in that state, a body of three hundred or four hundred Mormons destroyed a party of about fifty men, of which only three or four made their escape.—At Charlestown, near Boston, an Ursuline convent had been erected, which received young ladies as pupils from different parts of the country. Two of them, who had escaped, at different periods, by eluding the vigilance of their foreign guardians, made such representations of the severe treatment they had received, and cast such grave suspicions on the moral character of the priests and nuns, that a mob proceeded against the institution on the night of August 11, 1833, and burned it to the ground. Repeated attempts were made to recover damages for the property destroyed; but neither the courts nor the legislature would grant any redress.—On the 7th of November, 1835, the New York and Lake Erie Railroad was commenced, which is to pass through the southern counties of that state, and open a communication with the Hudson River and the city of New York. The same year, Samuel Smithson, of London, left a legacy of one hundred thousand pounds sterling, to be devoted to an institution in the United States, for the intellectual improvement of mankind, under the direction of congress.—A vast amount of property was destroyed by fire, principally in a few of the chief cities. By far the most remarkable case of this kind was the great fire in New York. It broke out in the evening of December 16, 1835, and continued to burn until one o'clock on the following day. The destruction of property, in those few hours, was far greater than by any other fire on this side of the Atlantic. A great part of that portion of the city was consumed which was the principal seat of

business; and, according to the official estimate, the loss amounted to seventeen million one hundred and fifteen thousand six hundred and ninety-two dollars: of this, thirteen million one hundred and fifteen thousand six hundred and ninety-two dollars was merchandise, and four million dollars in buildings, of which no less than five hundred and twenty-nine were consumed. On the 15th of December, 1836, the United States general post-office at Washington was burned, with the patent office, and the Washington post-office. The contents of all these were also consumed, excepting only a portion of those of the first. Among the valuable articles which fell a prey to the flames, were seven thousand models of patent machines, instruments, &c.; one hundred and sixty-three large folio volumes of records; twenty-six large portfolios, containing nine thousand drawings, many of which were very valuable, and of fine execution; ten thousand original descriptions of inventions, &c. A report made by a committee of congress stated that about three thousand of the most valuable might be replaced at an expense of thirty-three dollars each, or one hundred thousand dollars for that number.

The disputed territory in Maine became the scene of much disorder in the winter of 1839. The land agent of that state, Mr. McIntyre, having led a party of men against individuals who were cutting wood in the disputed territory, was captured and imprisoned at Frederickton, N. B., but was soon released by the governor, who issued a proclamation, declaring the Americans guilty of an invasion of the possessions of her majesty. The British warden of the disputed territory was in turn captured by a party of Americans, and taken to Bangor. Much excitement prevailed on this subject, until the following terms were agreed upon between Mr. Fox, the minister plenipotentiary of Great Britain, and Mr. Forsyth, the American secretary of state: "Her majesty's officers will not seek to expel by military force the armed party which has been sent by Maine into the district bordering on the Aroostook River; but the government of Maine will voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and, if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredations, by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the governments of Maine and New Brunswick." About the close of March, a proposition

was made by Major-General Scott, of the United States army, to Sir John Harvey, lieutenant-governor of New Brunswick, and his Excellency John Fairfield, governor of Maine, to leave the question at rest until further instruction should be received by the former from his government; and the troops of Maine were disbanded. This important service was highly creditable to the skill and disposition of the distinguished officer to whom it had been intrusted, and whose talents were now as signally displayed in the field of diplomacy, as they had formerly been in that of his own proper profession.—The independence of the republic of Texas was acknowledged by the United States on the 1st of March, 1837, by a resolution of the senate. The vote was twenty-three to nineteen. On the 31st of the same month, the Mexican minister protested in the most solemn manner, before all civilized nations, against the acknowledgment of the pretended republic of Texas, made by the United States. On the 17th of April, the United States sloop of war Natchez captured a Mexican brig of war off the Brazos de St. Jago, after making a formal demand upon the Mexican authorities to release six American vessels illegally captured.—An exploring expedition, which had been sent out for the discovery of unknown countries in the South Pacific Ocean, to explore and survey certain coasts and islands, &c., discovered the Antarctic continent, on the 19th of January, in the year 1840. The expedition consisted of the Vincennes, Peacock, and Porpoise, with a smaller vessel, and was under the command of Lieutenant Wilkes, of the United States navy. The land was discovered by the Vincennes, though, it is said, it had been seen a few days before on board the Porpoise. The Vincennes fell in with it in south latitude $66^{\circ} 20'$, east longitude $15^{\circ} 40' 18''$, and ran along the coast to $97^{\circ} 45'$ east, a distance of about seventeen hundred miles. The weather was cold and stormy, and the coast so guarded by ice, that it was impossible to effect a landing. The new continent presents a long chain of mountains, apparently destitute of vegetation and human inhabitants. The French exploring expedition, under the command of Commodore D'Urville, discovered the same continent in latitude $66^{\circ} 8'$, on the same day as the Vincennes, but could not prosecute the discovery on account of the ice.—An address to the senate, signed by fifty-six distinguished British authors, was presented by Mr. Clay on the 1st of February, 1837, petitioning for a copy-right law, to secure

to them and other foreign writers some benefit from the sale of their books. The following is an extract: "That they have long been exposed to injury, in their reputation and property, from the want of a law, by which the exclusive right to their respective writings may be secured to them in the United States; that, for the want of such a law, deep and extensive injuries have been inflicted on their reputation and property, and on the interests of liberty and science, which ought to constitute a bond of union and friendship between the United States and Great Britain; and that, deeply impressed with the conviction that the only firm ground of friendship between nations is a strict regard to simple justice, they earnestly request the senate of the United States, in congress assembled, speedily to use, in behalf of the authors of Great Britain, their power of securing to the authors the exclusive right of their writings." The address goes on to state "that their property is injured by the American publishers, who appropriate the money received, from the sale of their works, contrary to their wishes; and that their reputation is exposed to injury by the imitation or alteration of their works, while their names are retained as the authors, and are thus made responsible for works which they no longer recognize as their own. From all these evils they have now no redress; while American authors are injured by this free competition, and the American public deceived with imperfect and mutilated editions." This address was referred to a committee; and a petition was afterwards presented in the same spirit, from a number of American authors.

Railroads have been constructed in great numbers in different parts of the country, in so many directions, and of such extent, that it is unnecessary to attempt an enumeration of them. Their united length has been estimated at four thousand miles. Travelling and transportation have been facilitated and extended to a wonderful degree, and the rapidity, cheapness, and comfort, of travelling on the principal routes, and on many branches, have caused a great increase in communication and intercourse throughout the Union. Although railroads have in a great measure superseded canals, some of the latter are still very useful, being employed chiefly for the transportation of more bulky articles. The construction of canals, however, has ceased, and there is little probability that any more will ever be made in this country.

The country was at this period in a state of great depression, and many of the people attributed the

extensive and alarming embarrassments of trade to the measures of the government. General William Henry Harrison, of Ohio, was proposed as a candidate for the presidency, and a convention from all the states was invited to meet at Harrisburgh, Pennsylvania, on the 4th of December, to consist of persons opposed to the administration of Mr. Van Buren. Mr. Webster and Mr. Clay had, ere this, been nominated by their friends as candidates; but they both publicly requested that their names might be withdrawn in case any other person should be found, on whom the opposition party (who had assumed the title of *Whigs*) might be expected to unite. General Harrison had been a candidate at the preceding election, having been nominated by the anti-masonic party for president, and he received seventy-two electoral votes. But the time had arrived when he was to see his popularity rapidly increase, and to enjoy a greater degree of public favour than had been expressed to any man in the country, with the single exception of him who had so justly borne the title of its father. The Harrisburgh convention contained delegates from twenty-two of the states; and the first vote given showed there were for Mr. Clay, one hundred and three; for General Harrison, ninety-four; and for General Scott, fifty-seven. The second was as follows: Harrison, one hundred and forty-eight; Clay, ninety; and Scott, sixteen. It was agreed, with perfect unanimity and much enthusiasm, that General Harrison should be nominated to the people for president, and John Tyler, of Virginia, for vice-president. Meetings were now held in great numbers in all parts of the Union, friendly to these candidates, and the new practice soon prevailed of "*mass meetings*," as they were called, at which the people assembled in much greater numbers than ever before. An air of gayety also began to prevail; and the customary gravity and too frequent asperity of political meetings generally gave place to addresses of a conciliatory character, alternating with songs. The hope of better times was encouraged, and the evils suffered by the country were attributed to the ill-placed confidence of a large and honest party in selfish, ignorant, or unfaithful leaders. General Harrison's life and character became the topic of general eulogium, and in a generous outbreak of national enthusiasm, the simplicity, industry, and economy, of a new country received their merited praise, as well as the hardihood, bravery, and self-denial, of the patriotic soldier. As an emblem of unsophisticated society in the west, log-houses were erected at the places of

political meetings, and equipped with the furniture and decorations of the rudest frontier habitations; miniature log-cabins were borne in procession, and worn about the person, as insignia of political partisanship, while their praises were the burden of many a popular song.

General William Henry Harrison, of Ohio, was inaugurated president of the United States, for the ensuing four years, on the 4th of March, 1841, and John Tyler, of Virginia, vice-president, for the same term. Each had been elected by a vote of two hundred and thirty-four. The only other votes given for president, were sixty for Mr. Van Buren. General Harrison was son of the distinguished man of that name who signed the Declaration of Independence in 1776, as a member of the continental congress from Virginia. Having received his education at Hampden-Sidney College, he began to study medicine; but at the age of nineteen, he received a commission from Washington, and in 1792 entered actual service as an aid of General Wayne, against the Indians. He appeared in congress at the age of twenty-six, as a delegate from the North-Western Territory, and the next year was appointed governor of Indiana, which then comprehended all the western territory, except Ohio. Continuing in that office in 1811, he commanded at the victory of Tippecanoe, and at the battle of the Thames, in 1813, as a general of the regular army. By treaties with the Indians, which are believed to have been fairly and honestly made, he purchased for the country fifty-one millions of acres of the richest land, and he introduced the plan for the sale of the public domain in sections of six hundred and forty, and three hundred and twenty acres, instead of four thousand, so that poor settlers could purchase farms. He was appointed Indian commissioner again in 1814, a representative in congress in 1816, and a senator in the Ohio legislature, and in congress, and in 1828 minister to Colombia. His pure character, however, his sound judgment, active devotion to his country, and high sense of honour, which had always kept him in a sphere far above the polluting suspicion of selfishness, were not forgotten; and he was sought out in his retirement, like Cincinnatus at the plough, by those who wished to find a man possessing substantial qualifications for the chief magistracy. His simple manners and frankness of address, but above all his stern virtue and decided example in favor of religion, and moral and political integrity, rendered him one of the most

popular men the country has ever produced. The following passages are extracts from the address he delivered, after his inauguration: "However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the infirmities of human nature, and the dangerous temptations to which I shall be exposed from the magnitude of the power which it has been the pleasure of the people to commit to my hand, not to place my chief confidence in the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important but still inferior trusts, heretofore confided to me by my countrymen." * * * "The great danger to our institutions does not appear to me to be in a usurpation by the government of power not granted by the people, but the accumulation in one of the departments of that which was assigned to others." Some of the sources of the evils complained of he thought to be the defects of the constitution, and a misconstruction of some of its provisions. The reeligibility of the president, he said, was an evil which any president might correct in his own case. "Until an amendment of the constitution can be effected," said he, "public opinion may secure the desired object. I give my aid to it, by renewing the pledge heretofore given, that under no circumstances will I consent to serve a second term." With respect to the veto power, the president said that the constitution had given that power to the judiciary as well as to the executive; yet the judiciary had never exercised it. On the subject of setting aside precedents, he remarked, "I believe, with Mr. Madison, that repeated recognitions, under varied circumstances, in the acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of the concurrence of the general will of the nation, as affording to the president sufficient authority for his considering such disputed points as settled." After a full consideration of the evil effects of encouraging public officers to take an active part in electioneering, he added, "Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of executive will." The freedom of the press, he declared, "is one of the most precious legacies they (our ancestors) have left us." With respect to the public funds, he thus expressed himself: "The mode of keeping the public treasure should be prescribed by them, (the people;) and the farther removed it may be from the

control of the executive, the more wholesome the arrangement, and the more in accordance with republican principle." "In relation to the adoption of gold and silver, instead of paper money," he declared "that an exclusive metallic currency would favour the necessary toleration of usury, and be in danger of breaking down the character of the country for generosity and nobleness of feeling." He enforced at length the general duty of kindness and conciliation among the inhabitants of all the states; and especially at that juncture when party spirit prevailed in so great a degree.

On account of the deranged state of the commercial affairs of the country, General Harrison convoked an extra session of congress for May 13. But that day he was never permitted to see. After a short illness, General Harrison died on the 4th of April, of pneumonia, with congestion of the liver, only one month after his inauguration. The following official announcement was made by the members of his cabinet:—

"CITY OF WASHINGTON, April 4, 1841.

"An all-wise Providence having suddenly removed from this life William Henry Harrison, late president of the United States, we have thought it our duty, in the recess of congress, and in the absence of the vice-president from the seat of government, to make this afflicting bereavement known to the country, by this declaration, under our hands.

"He died at the president's house, in this city, this 4th day of April, Anno Domini 1841, at thirty minutes before one o'clock in the morning.

"The people of the United States, overwhelmed, like ourselves, by an event so unexpected and so melancholy, will derive consolation from knowing that his death was calm and resigned, as his life has been patriotic, and useful, and distinguished; and that the last utterance of his lips expressed a fervent desire for the perpetuity of the constitution, and the preservation of its true principles. In death, as in life, the happiness of his country was uppermost in his thought.

"DANIEL WEBSTER, *Secretary of State*.

"THOMAS EWING, *Secretary of the Treasury*.

"JOHN BELL, *Secretary of War*.

"J. J. CRITTENDEN, *Attorney-General*.

"FRANCIS GRANGER, *Postmaster-General*."

Mr. Badger, the secretary of the navy, was absent at the time.

The funeral of the president took place on the 7th of April. Minute guns were fired in the morning at the military stations near the city; and the burial service was read in the east room of the president's house about noon, where the coffin was placed, in the centre. Near it, in a semicircle, stood about forty clergymen, opposite whom sat the members of the cabinet round the head of the coffin, while behind them were the foreign ministers; beyond them were the mourners, the physicians, pall-bearers, and officers of the army and navy, while a great number of other persons occupied the other parts of the spacious room. The coffin was carried on a car drawn by six white horses, attended by the pall-bearers, who represented the different states and territories of the Union. A military escort preceded the car, consisting of officers of the army and navy, and of different corps in the District, and of the city of Baltimore. The civic procession, which followed the military, was led by the United States marshal for the District, clerk of the Supreme Court, the mayors of the neighbouring cities, and clergy, before the car; and after it, the family of the deceased, the vice-president and heads of departments, ex-presidents, &c., foreign ministers, judges, senators, representatives, governors, officers of department, soldiers, societies, citizens, &c. &c. The houses were crowded with spectators, and bore ensigns of mourning, as the procession moved to the congressional burying-ground, where the coffin was deposited in solemn silence. It was afterwards removed to the banks of the Ohio, and placed in a new tomb, erected for the purpose by public subscriptions.

On the 6th of April, the vice-president, having arrived in Washington, was waited on by the heads of the departments, to pay him their personal and official respects. He signified to them his wish that they would continue to fill the station they held, and expressed his confidence that they would afford him their aid in the administration of the government. He then took and subscribed the following oath, that no room might remain for doubts of his legal qualifications for the discharge of the duties of president, which the death of General Harrison had devolved upon him.

"I do solemnly swear, that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States.

"JOHN TYLER.

"April 6, 1841."

This oath was administered to Mr. Tyler by the Honourable William Cranch, chief justice of the District of Columbia. On the 13th of April, the president issued the following proclamation for a national fast:—

“ To the People of the United States.— A Recommendation.

“ When a Christian people feel themselves to be overtaken by a great public calamity, it becomes them to humble themselves under the dispensation of divine Providence, to recognize His righteous government over the children of men, to acknowledge His goodness in time past, as well as their own unworthiness, and to supplicate His merciful protection for the future.

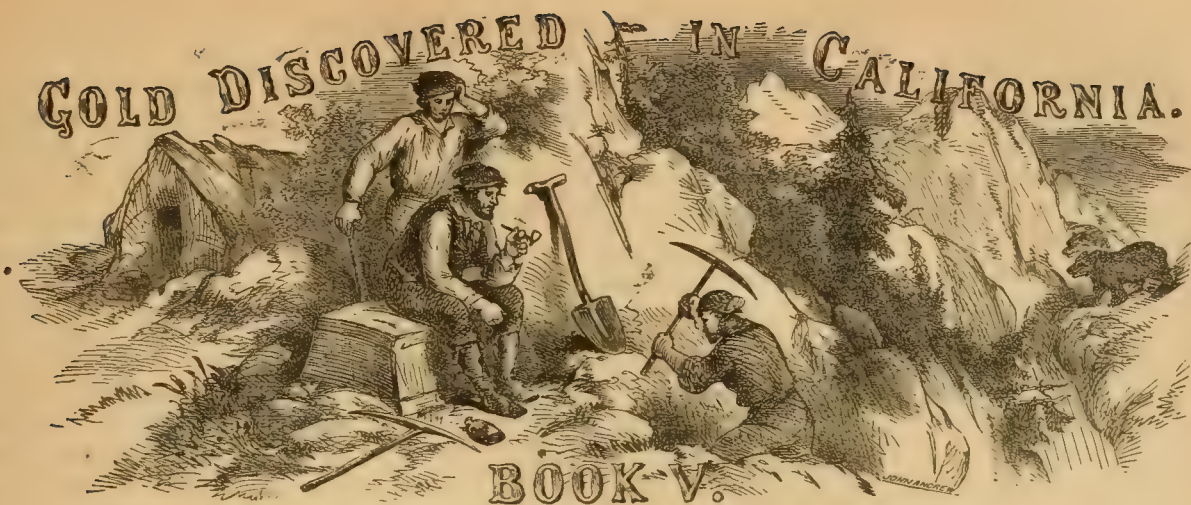
“ The death of William Henry Harrison, late president of the United States, so soon after his elevation to that high office, is a bereavement peculiarly calculated to be regarded as a heavy affliction, and to impress all minds with a sense of the uncertainty of human

things, and of the dependence of nations, as well as individuals, upon our heavenly Parent.

“ I have thought, therefore, that I should be acting in conformity with the general expectation and feelings of the community, in recommending, as I now do, to the people of the United States, of every religious denomination, that, according to their several modes and forms of worship, they observe a day of fasting and prayer, by such religious services as may be suitable on the occasion; and I recommend Friday, the 14th day of May next, for that purpose; to the end that, on that day, we may all, with one accord, join in humble and reverential approach to Him in whose hands we are, invoking Him to inspire us with a proper spirit, and temper of heart and mind, under those frowns of his Providence, and still to bestow His precious benedictions upon our government and our country.

“ JOHN TYLER.

“ WASHINGTON, April 13, 1841.”



No president, since Washington, had commenced his administration under such favourable auspices as Mr. Tyler. Though elevated, by the suffrages and exertions of the Whig party, to that position from which, under the provisions of the constitution, he stepped into the vacant presidency, he was not personally pledged to any specific measures, or any course of policy, for which that party contended. With a high-minded and honourable regard for the supreme will of the people, as indicated in his election, he might have blended a noble independence of sectional and party shackles, and, steering a middle course between the factions, have disarmed the violence of the conflict, and given to the country a season of political repose. By many of the wise and moderate, on both sides, this was desired and expected.

In accordance with these just and patriotic sentiments, Mr. Tyler courteously requested the entire cabinet of his lamented predecessor to retain their respective places, and announced his determination to make no immediate changes in the administrative policy of the government. But matters of graver import than the distribution of executive favours soon arose. The *quæstiones veratæ* of political strife began to be revived. The bank, which, it was supposed, had received its quietus in the sub-treasury,—the tariff, internal improvements, and the distribution of the public lands,—were all to be taken up *de novo*, as problems not yet solved.

On all these questions, Mr. Tyler's cabinet was diametrically opposed to that of the Van Buren administration; and measures were soon in progress to effect a radical change, as soon as congress could be brought to act upon the subject.

The extra session of congress, which had been called by proclamation from General Harrison, commenced at the time appointed, on the 31st of May. This was not an event of rare occurrence, having been

resorted to five times before, since the adoption of the constitution. The house of representatives was organized by the election of the Whig candidate for speaker, Mr. John White, of Kentucky. Mr. Mangum, of North Carolina, president *pro tem.* of the senate, presided over that body, becoming, *de facto*, vice-president of the United States, and receiving the full salary of that office.

The message of President Tyler was brief and appropriate. Alluding to his peculiar position, and the occasion which called for a message from him at that time, he gave a succinct view of the relations of the country with foreign powers, and the domestic crisis which made it expedient to call an extra session. He commended to the notice of congress the deranged condition of the currency and the monetary affairs of the country; condemned the sub-treasury, as wholly incompetent to the duty assigned it, and recommended the establishment of some fiscal agent, which might come within the range of the constitution, and harmonize the conflicting views of the different schools of political economists. In planning, and putting into active operation, such an agent, he promised his hearty coöperation, reserving the right of interfering only to prevent an actual infringement of the constitution.

The measures of relief proposed by the new administration were, a repeal of the sub-treasury, a modification of the tariff, and a general bankrupt law. The former, it was contended, was paralyzing the energies of the business community, by withdrawing from active circulation a large portion of the currency, and holding it, *in terrorem*, over the banks, to prevent them from accommodating the merchants. It was, moreover, unsafe to the public, since these large accumulations of money were now intrusted to a few individuals, and protected by individual responsibility; whereas, under the banking system, the safety of the deposits was guaranteed by the joint responsibility of

many stockholders. It was argued, also, that, as experience is always a safer guide than theory, the history of the past afforded a strong argument in favour of the safety of the bank over that of the sub-treasury. Of all the millions upon millions which had been received and disbursed by two national banks, each having a charter of twenty years, the government had not lost a dollar. It was always at her command, in any amount, at any place, and in any kind of funds, she might demand. By the state banks she had lost a million and a half, and by defaulting officers several millions more.

On these and other points, however, there were many conflicting opinions and views; and it was only by a strict drawing of party lines, that any measure, connected with this subject, could be carried. By this means alone, the last bank had been destroyed, and all plans to renew and improve it defeated. By this means the tariff and the land bills had been arranged. And by this means only were those great questions yet to be disposed of. The general sense of the people was in favour of a change, or rather of a return to the "good old way." The *éclat* of General Jackson's name no longer overshadowed all other considerations. What he had been fully sustained in doing would not have been tolerated in any other man. This the people began to see and to feel. Tired of mere political strife, which resulted in no good to the people, but only in perpetuating office to a few of the more ambitious leaders, they wished for repose. They resolved on a change; though it was more than probable that it would only be a change in name.

This change was made. A new administration was invested with the powers of government. But the stroke of Providence had taken away its head. The executive will, which had recently been allowed to assert a personality and supremacy unknown to the early days of the constitution, was yet undeveloped. The whole country looked eagerly for the first fore-shadowings of its purpose. In this, however, all were disappointed. As Mr. Tyler had not openly and directly committed himself, in the recent contest, on the details of the great leading questions of national policy, so, probably, he had not, at this time, distinctly marked out to himself the precise course he should pursue.

He was soon brought to a stand. One of the first matters taken up by congress, in its extra session, was the bank question. The secretary of the treasury, to whose department it more properly belonged, presented, in his report, the outline of a national bank, to the

main features of which Mr. Tyler was understood to have given his full assent. It was vehemently opposed in both houses of congress, but passed into a bill notwithstanding. The sub-treasury was already repealed, to make way for the establishment of the new institution. To the latter measure the president had freely given his official sanction, and the Whigs, with apparent good reason, expected his approval of this bill. To their utter disappointment and dismay, however, he returned it with objections.

This veto was the signal for a vigorous renewal of the strife of party. Defeated where they least expected it, and by the exercise of a power of which they were always extremely jealous, as savouring too much of absolutism, the Whigs were confounded and disheartened, not knowing on whom to depend.

Mr. Tyler, like his "illustrious predecessor," General Jackson, had disclaimed hostility to the bank on constitutional grounds, by averring that he had a plan of his own for a fiscal agent, which would meet the exigencies of the case, and harmonize the conflicting views of all the real friends of the bank. Upon this encouragement, a new bill was prepared, every feature of which was supposed to be so guarded and adjusted as to meet the executive scruple. This, however, though sanctioned by a majority of both houses of congress, met the same fate, at the hand of the president, as the former one.

Congress did not renew the subject, but the executive did. At the opening of the next session, the secretary of the treasury presented the plan for an exchequer, which was recommended by the president. It was rejected by the house of representatives, by a vote of 193 to 18.

The exercise of the veto power had always been regarded with extreme jealousy by congress and the people. It had been very rarely used in the early administration of the government. Washington vetoed two bills; Madison, four; Monroe, one; Jackson, ten. It is, perhaps, a necessary constitutional provision, but confers an absolute prerogative, which is somewhat anomalous in a democratic constitution—a prerogative so absolute that few, if any, of the constitutional monarchs of Europe would venture to exercise it in the face of a decided majority. It is odious to the people, as "the one-man power," and would probably be somewhat restrained, if submitted now to a popular vote.

In the measures thus defeated by executive interposition, the cabinet were agreed and deeply interested.

Feeling that the president had already virtually taken other counsellors, and indicated a course of policy in which they could never harmonize, they resolved to retire. Accordingly, with the exception of Mr. Webster, they all sent in their resignations. Never did this great man appear more truly independent than in retaining office against the expressed wishes of many of his friends. He knew the crisis which existed, and felt that duty to his country demanded his services.

The cabinet was recomposed in the following manner :
 Daniel Webster, of Mass., (continuing) Sec'y of State.
 Walter Forward, of Penn., . . Sec'y of the Treasury.
 Abel P. Upshur, of Virginia, . . . " " Navy.
 John C. Spencer, of New York, " " War.
 Hugh S. Legare, of S. Carolina, . . Attorney-General.
 Charles A. Wickliffe, of Ky., . . Postmaster-General.

The boundary line between the United States, in its north-eastern section, and the province of Nova Scotia, had been long in dispute. Several earnest attempts had been made to settle it. Much bad feeling, and some powder, had been expended upon it; and the amicable relations which had so long subsisted between the two great branches of the Anglo-Saxon family were in some danger of being seriously disturbed. With a commendable disposition to adjust the difficulty, the British government had appointed Lord Ashburton, an intelligent, liberal-minded statesman, having large American interests and relations, to represent them at Washington. The correspondence between this distinguished man and Mr. Webster was of the highest order of diplomatic merit, worthy of the men and of the nations they represented. The result was a treaty, definitively and forever adjusting the north-eastern boundary. It was ratified by the United States on the 20th of August, and by Great Britain on the 14th of October. The treaty of Washington will remain forever a monument to the talent and patriotism of the great American statesman.

The "exploring expedition," which had been sent out, in 1838, under command of Lieutenant Wilkes, returned on the 10th of June, 1842, having successfully accomplished the object for which it was designed. On the 16th of January, 1840, land was discovered far south of New Holland, in latitude 66°. This was the *first discovery* of the *Antarctic continent*. Unable to effect a landing, on account of the ice, Captain Wilkes coasted along the shore for many leagues, in imminent danger of being crushed among the icebergs; they bore away for the western coast of America, whence, having surveyed the Columbia and Sac-

ramento Rivers, he returned home by way of the Cape of Good Hope.

This year (1842) was further signalized by the out-breaking of domestic troubles in Rhode Island, which, for a time, wore a most threatening aspect. This state, instead of adopting a new constitution, on coming into the Union, retained, as the fundamental law, its old colonial charter, derived from the British crown in 1663, with only such modifications as were necessary to adapt it to its new relations. Various amendments and improvements had been enacted from time to time; but that peculiarly British feature, which limited the right of suffrage to landholders, remained unchanged. As the manufacturing interest increased, and with it a movable population seldom acquiring a right in the soil, this provision began to be felt as a grievance, and many unavailing efforts had been made, to induce the legislature to call a convention of the people, in due form, to revise the charter. Two parties were strongly arrayed on this point — the charter party, holding tenaciously to their ancient privileges, and the suffrage party, demanding a share in the great prerogative of freemen.

At length, in January, 1841, the legislature, upon the petition of the suffrage party, consented to call a convention for the purpose of forming a new constitution. The time of meeting was fixed for the following November. This did not satisfy the suffrage party. They accordingly held a general caucus on the 17th of April, and another on the 5th of July, at Providence, which assumed the right to call for a delegate convention, to meet in October, thus hoping to forestall, and perhaps annul, the action of a regular constitutional convention.

The two conventions met at the times appointed for each respectively. Each formed a constitution, and submitted it to the people for ratification. The suffrage party, deeming it necessary to secure the votes of a majority of all those to whom their constitution accorded the right, kept the polls open six days, and received *proxies*. In this manner they obtained fourteen thousand votes. The whole number of adult citizens being only twenty-three thousand, they claimed to have established their constitution by the voice of the people. They accordingly proceeded to choose state officers, and representatives to the legislature.

Through the zealous efforts of the suffrage party, the constitution submitted by the legal convention was rejected by a majority of six hundred and seventy-seven votes. This event threw them back upon the

charter, and they proceeded to their annual elections, as usual.

For so small a state as Rhode Island, two governors, two legislatures assembled at the same time, was rather an imposing and startling spectacle. Samuel W. King was the regular governor under the charter. Thomas W. Dorr was the governor elect of the suffrage party. Serious difficulties were apprehended. Governor King made application to President Tyler for a military force to sustain him, if necessary, in supporting the constitution of the state, and received assurances of aid whenever it should be necessary.

On the 16th of May, 1842, Mr. Dorr entered Providence, under the escort of about thirteen hundred of his supporters, of whom three hundred were in arms. Arriving at his quarters, he issued a proclamation, defying the power of the regular government, and declaring his determination to maintain, to the last extremity, the position to which he had been called. Very early in the morning of the 18th, he proceeded to the state arsenal, at the head of his adherents, and having drawn up his troops in battle array, and planted his cannon, sent in a flag and demanded a surrender. Colonel Blodget, who was in command, inquired, "For whom, and in whose name?" The answer was, "For Governor Dorr, and in the name of Colonel Wheeler." Blodget replied, that he knew no such men, and that the arsenal would be defended, in case of attack.

When the flag returned, Mr. Dorr gave orders to fire; but his gun flashed three times. It is said that there was dissatisfaction in his ranks, and that some of his men had dampened the powder. However that may be, no other demonstration was made. Mr. Dorr returned to his quarters.

The state military were now called out, with orders to arrest Mr. Dorr, in the name of Governor King. Conscious of wrong, and intimidated by this array, the insurgents were soon dispersed, without resort to violence. Their governor made his escape into Connecticut. Most of the officers chosen by the party resigned, and thus this precocious rebellion seemed to be subdued without bloodshed.

But the spirit of discontent was not wholly quieted. The state was still under the old charter, and the right of suffrage was restricted to the few who were freeholders. The discussion of this vital question was maintained with greater eagerness than ever, and words, as is often the case, soon led to blows. On the 28th of June, Mr. Dorr again appeared, and, with about

seven hundred of his adherents, took possession of a hill in Chepachet. Here he intrenched himself, in due order, with five pieces of cannon, and called upon the people to rally for their rights. Upon this, Governor King ordered out three thousand of the militia, to support the cause of "law and order," and proclaimed martial law throughout the state. These decisive measures had the desired effect. Seeing the utter hopelessness of their position, the insurgents again dispersed, without resistance, leaving their general, as before, to provide for his own safety by flight. Returning a few months after to the state, Mr. Dorr was arrested, tried for treason, convicted, and sentenced to imprisonment and hard labor for life. In the mean time, a new constitution had been adopted, according to the prescribed forms of law. Mr. Dorr remained in ignoble confinement for one year, when he was released by an act of amnesty from the legislature.

A very serious incident occurred, near the close of this year, on board of one of the national vessels of the United States. The brig Somers, commander McKenzie, had been cruising on the African coast, and was about returning home, when a mutiny, just ripe for execution, was discovered among the crew. Some of the officers were concerned in it. The leader was Philip Spencer, a son of Hon. John C. Spencer, of New York, at that time secretary of war. He had drawn around him a considerable number of the restless, daring spirits of that little community, and arranged a plot for murdering the captain and his officers, and getting possession of the ship for piratical purposes. The plot was fully arranged and matured, and about to be put into execution, when it was revealed to Captain McKenzie by one of the supposed confederates. He had been made a confidant, in the hope of securing him in the plot, and threatened with instant death if he breathed a word of it to any one. He feigned assent to the scheme, but sought opportunity to reveal it. With difficulty he found such an opportunity, and so the fearful tragedy was prevented; not, however, without another much to be lamented, and only less fearful than that which the mutineers had plotted. A summary trial of the ringleaders was had, which resulted in the decision to put three of them to death. Accordingly, on the 1st of December, Philip Spencer, midshipman, Samuel Cromwell, boatswain's mate, and Elisha H. Small, common seaman, were hung at the yard arm, in presence of the assembled crew of the ship. This sad example of the severity of naval discipline produced intense excitement throughout the

length and breadth of the land. The matter was thoroughly investigated by a court-martial, the result of which was a *full vindication* of Captain McKenzie and his council of advisers in the course they had pursued.

In May, 1844, a very serious disturbance, of a political character, occurred in Philadelphia, between the Native American party and the Irish Catholics. A meeting of the "Native Americans" was held in the quarter where many of the "adopted citizens" resided. The meeting was interrupted and broken up by a riotous attack from a large body of Irish. This was on Friday, the 3d of May. On the following Monday, the Americans reassembled at the same place, in great numbers, for the avowed purpose of vindicating their right to meet, when and where they pleased, without molestation.

The American flag was raised over the platform, and two or three addresses were delivered without interruption. The meeting was then dispersed by a sudden shower of rain, but was immediately reorganized in a market-house, not far from the place of their first assembling. The speaker had scarcely taken his stand, when a disturbance commenced in the crowd. A pistol was fired, which became the signal for a general *mêlée*. The Irish rushed out of their houses to join in the fray. They were fired upon by the Americans, and several of their number wounded, some of them mortally. The Native Americans were driven from the ground, but soon rallied around the remnants of their flag, which had been torn in shreds by their infuriated assailants. After a contest of nearly an hour, the Irish were driven to take shelter in their houses, and the Americans remained masters of the ground.

By this time, the police of the city had mustered. The sheriff arrived on the ground, and order was partially restored. In the evening, the riot was renewed. In this the Americans were the assailants. They attempted to demolish a Catholic seminary in the vicinity, but were met by a volley of musketry from within, and repulsed. Five persons were shot, one of whom was killed on the spot.

The next day, May 7, at three o'clock, a great meeting of the American party was held in Independence Square, about one and a half miles from the scene of the former outrages. The addresses made on this occasion were, for the most part, of a conciliatory character, and designed to prevent a further resort to violence. In this spirit, the assembly broke up; but a

large portion, smarting under the indignities of the preceding day, resolved to go in procession to Kensington. They displayed, as they went, the tattered ensign of American independence, bearing, by the side of it, a banner with this inscription: "*This is the flag which was trampled under foot by the Irish Papists.*"

On reaching the scene of the former outrages, they attempted to organize a meeting. They had scarcely commenced, however, when one of their number was shot down, and instantly killed, by a ball from the window of a house opposite the market. This was followed by continued volleys from most of the surrounding houses. The Americans were unarmed. Many of them, however, ran for their muskets, and, in a short time, a band of about forty presented themselves in front of the market. Exposed in the open street, while their assailants were protected within the walls of their houses, they fought with desperation nearly an hour, during which some of the number were killed, and several more wounded.

At length the Americans set fire to one of the buildings from which the firing proceeded. The flames spread with great rapidity. In a short time, between twenty and thirty houses were on fire. The market-house, where the meeting had been held, took fire by accident.

About nine o'clock, a detachment of soldiers, under the command of General Cadwallader, arrived on the ground, having been ordered out to quell the riot.

Planting his cannon so as to sweep the streets, where the principal disturbance had occurred, the general ordered the mob to disperse. His force was too formidable to be trifled with. The murderous firing ceased, and the exasperated multitude withdrew from the scene of conflict. Protected by the military, the firemen, who had been prevented by the mob from making any effort to arrest the conflagration, succeeded in bringing it under. Some of the Irish were shot down, while attempting to escape from their houses. Others, it was thought, were consumed in their dwellings.

The next day a gang of desperadoes, not recognized by any party, commenced searching the houses of the Irish; and wherever they found arms secreted, they demolished the building, or set it on fire. The Irish, completely overawed, offered little resistance. The church of St. Michael, the priest's house adjoining, and the nunnery, were fired and consumed. This occupied the forenoon. Late in the afternoon, the mob

moved off toward the church of St. Augustine. A large force was drawn out to protect it. The mayor of the city was there in person. But, unfortunately, he did not understand his position. Mistaking weakness for clemency, he attempted to subdue the enraged populace with words; to arrest, like the courtiers of Canute, the swelling of the tide by a mere show of authority. The rabble laughed him to scorn, and hurled defiance at his semblance of power. The police were driven back. The windows of the church were broken, a match was applied to the drapery, the gas pipes were cut, and in a moment the building was in flames. The firemen were forcibly prevented from interfering, and the church was soon a ruin.

On the following morning, an immense meeting of citizens was held in Independence Square, to devise measures for the restoration of peace, and the maintenance of the majesty of law. Volunteer patrols were organized. A proclamation was issued by the mayor and the sheriff, declaring martial law. This had the desired effect. A mob, assembled in front of the principal cathedral, was instantly dispersed by the announcement of General Cadwallader that he should comply with the very letter of the proclamation. Order was soon perfectly restored, and, a few days after the enactment of these fearful scenes, the Native American party held a meeting in Kensington without molestation.

An act to establish a uniform system of bankruptcy throughout the United States, to take effect on the 2d day of February, 1842, was passed by congress in August, 1841, and was approved by the president on the 19th of the month. The act provided for two kinds of bankruptcy; namely, *voluntary*, where the proceedings were commenced by the bankrupt, for his own relief; and *compulsory*, where they were commenced by one or more of the creditors, to enforce the settlement of the affairs of a delinquent debtor, for the benefit of all concerned.

This law was cautiously and wisely framed, with a true utilitarian view to the greatest good of the greatest number. It was in accordance with a fundamental provision of the constitution, specifically vesting in congress the power to enact such a law. A similar law had been passed by congress in 1800, which remained in operation three years.

It was a salutary enactment. A tremendous crisis in the monetary affairs of the country had just passed. A season of unparalleled inflation and all-pervading speculation had been followed by a universal prostra-

tion, a complete collapse in the fiscal system of the nation. Not only the wild and reckless, but thousands of the most cautious and experienced, in all departments of trade, had fallen into hopeless embarrassment. Those who were regarded as substantially rich, and entitled to the highest grade of mercantile confidence and credit, were whelmed in the same indiscriminate ruin with those whom the unwholesome agitation of the moment had thrown up, like bubbles, to float in the sunshine of a seeming prosperity. Banks had suspended, failed, and ceased to be; individual and associated enterprise had been paralyzed; and hundreds of thousands of competent, honest, industrious men were suddenly plunged into a state of inextricable embarrassment, from which it was impossible they should recover by the ordinary operation of the common law, and the established customs and principles of trade. It was an unusual disease, and demanded an unusual remedy. The operation of the law was, doubtless, in some cases severe and oppressive. Dishonest men took advantage of its provisions to rob the innocent and helpless of their just dues. It was as carefully guarded, in all respects, as the nature of the case admitted. But imperfection is incident to all human legislation. Its operation, on the whole, was eminently happy, and conducive to the general good. Enterprise was resuscitated. Business revived, and soon recovered its wonted elasticity. The avenues of trade were reopened, and the marts of commerce, which seemed like a populous city just swept by a tornado, were repeopled, and replenished with more than their former stability and fulness.

An incident of some importance occurred in the latter part of the year 1841, which brought into powerful contrast the differing policies of the United States and Great Britain, on the subject of slavery, and gave rise to animated discussions in both countries, as well as to some able diplomatic communications between the two governments. The brig *Creole* sailed from Richmond, in the latter part of October, with a cargo of merchandise, and about one hundred and thirty-five slaves, bound to New Orleans. On the evening of the 7th of November, some of the slaves rose upon the crew, killed a passenger, and wounded the captain and three of his men. Under the direction of the mutineers, the brig was then taken to Nassau, in the island of New Providence, belonging to Great Britain. At the request of the American consul, a guard was placed on board the *Creole*, to prevent the escape of the mutineers. The case was formally investigated by the magistrates

of the place, and nineteen slaves, who were implicated in the mutiny, were committed to prison. The remainder, one hundred and fourteen in number, were liberated, and, being on British ground, were free. The American consul claimed that, being American property, they should be sent to the United States. This the British authorities refused, on the ground that their law, repudiating the right of property in man, gave them no power to restrain their personal liberty, except for crime. They had committed no offence against English law. There was no power to arraign or arrest them. They were absolutely and irrecoverably free, *ex virtute loci*.

The nineteen slaves implicated in the mutiny were demanded by the American consul, to be sent for trial to the United States. This was refused on the ground that the consul had no proper authority to make the demand. The demand was not pressed from any other source; and, as no one appeared against them, they were all ultimately discharged.

The project of annexing Texas to the United States had been entertained by many, from the very outbreak of the revolution which separated it from Mexico. It found favour with a considerable portion of the people, both of Texas and the United States. The interest of the slaveholding section was to be greatly extended by the measure. This drew to its support nearly all the political influence of the Southern States. To this was added the influence of that portion of the political parties of the Northern and Western States who are moved by any scheme of national aggrandizement, and who saw in this enlargement of territory only "an extension of the area of freedom"! The merits of the question were widely discussed. The prevailing sentiment, in the whole country, was adverse to annexation. The action of congress had indicated this, when, in the early part of the discussion, Texas came and asked admission to the Union, and was refused. But Mr. Tyler was in favour of the measure, and resolved to carry it. He accordingly entered into diplomatic negotiations with the "lone star," and arranged the whole matter in the usual form of a treaty. This mode of action had many advantages. It was carried on *secretly*, until it was fully matured, and ripe for execution. When so ripe, it was laid before the senate only, and that in secret session. Thus the popular branch of the national legislature could not interfere. In this manner the measure was carried, and Texas became an integral part of the United States. It was the last act of Mr. Tyler's ad-

ministration, and was scarcely consummated, when his term of service expired. To him belongs the credit of the scheme, and the peculiar mode of legislation by which it was effected. The details of its execution he bequeathed to his successor, entailing upon the country, at the same time, the settlement of all the difficulties involved in the yet unfinished conflict between Texas and Mexico. It proved a *golden apple*, in more than one sense.

The republic of Texas had no sooner asserted her independence, than she began to look to the United States to receive her into the great confederacy. She first asked for the recognition of her independence, as a preparatory step to this end. The subject was introduced by President Jackson into his message of December 21, 1836, in the following terms: "It becomes us to beware of too early a movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbours to territory, with the view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should stand aloof, and maintain our present position, if not until Mexico herself, or one of the great foreign powers, shall recognize the independence of the new government, at least until the lapse of time, or the course of events, shall have proved, beyond a cavil or dispute, the ability of the people of that country to maintain the separate sovereignty, and to uphold the government constituted by them."

The independence of Texas was acknowledged by a resolution of the American senate, passed on the 1st day of March, 1837. This act, together with the strong sympathy felt by the American people for Texas, and the avowed desire of Texas for admission to the Union, greatly disturbed the equanimity of Mexico, and produced several severe diplomatic menaces, and intimations of hostile resistance, which were entirely harmless and inefficient under the cool and dignified diplomacy of Mr. Webster.

On the 6th of October, 1843, Mr. Upshur, having succeeded Mr. Webster as secretary of state, proposed a renewal of negotiations with Texas, which was immediately accepted. The threats of Mexico, which were now most vehemently repeated, were met by the declaration that, as Texas was now acknowledged an independent nation, they were under no obligation to consult any foreign power in their intercourse with her.

The negotiation of the treaty for annexation proceeded silently and slowly. A sudden impulse was

given to it by the following bold and startling note addressed to Mr. Upshur, by Mr. Van Zandt, the Texan minister, at Washington, on the 17th January, 1844:—

“Sir: It is known to you that an armistice has been proclaimed between Mexico and Texas; that an armistice has been obtained through the intervention of several great powers, mutually friendly, and that negotiations are now pending, having for their object a settlement of the difficulties heretofore existing between the two countries. A proposition having been likewise submitted by the president of the United States, through you, for the annexation of Texas to this country, therefore (without indicating the nature of the reply which the president of Texas may direct to be made to this proposition) I beg leave to suggest that it may be apprehended, should a treaty of annexation be concluded, Mexico may think proper to at once terminate the armistice, break off all negotiation for peace, and again threaten or commence hostilities against Texas; and that some of the other governments who have been instrumental in obtaining their cession, if they do not throw their influence into the Mexican scale, may altogether withdraw their good offices of mediation, thus losing to Texas their friendship, and exposing her to the unrestrained menaces of Mexico. In view, then, of these things, I desire to submit, through you, to his excellency, the president of the United States, this inquiry: Should the president of Texas accede to the proposition of annexation, would the president of the United States, after the signing of the treaty, and before it shall be ratified and receive the final action of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of the military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas or the Gulf of Mexico, as shall be sufficient to protect her against foreign aggression?”

This note was never satisfactorily answered. Mr. Henderson, the newly-appointed Texan minister, refusing to renew the negotiations on any other terms, Mr. Tyler, on the 11th of April, 1844, acceded to them, in the following note from the secretary of state, Mr. Calhoun, who had succeeded Mr. Upshur:—

“Gentlemen: The letter addressed by Mr. Van Zandt to the late secretary of state, Mr. Upshur, to which you have called my attention, dated Washing-

ton, 17th January, 1844, has been laid before the president of the United States.

“In reply to it, I am directed by the president to say, that the secretary of the navy has been instructed to order a strong naval force to concentrate in the Gulf of Mexico, to meet any emergency; and that similar orders have been issued by the secretary of war, to move the disposable military forces on our south-western frontier, for the same purpose. Should the exigency arise to which you refer in your note to Mr. Upshur, I am further directed by the president to say, that, during the pendency of the treaty of annexation, he would deem it his duty to use all the means placed within his power by the constitution, to protect Texas from all foreign invasion. I have the honour to be, &c.”

On the following day, April 12, the treaty of annexation was signed by Mr. Calhoun, on the one part, and by Messrs. Van Zandt and Henderson, the Texan commissioners, on the other part. It was immediately submitted to the American senate, in the full confidence that it would be eagerly confirmed by that body. It was, however, decidedly rejected; some of the friends of the measure uniting with its enemies to defeat it, on the ground, secret if not avowed, that too much *éclat* would result to the retiring administration from having privately and peaceably effected so brilliant a negotiation. There was too much political capital embarked in the enterprise, to be withdrawn at once. It was therefore defeated in that form, to be brought up in another.

Meanwhile, the correspondence between the great functionaries of Mexico and the United States grew daily more unfriendly and portentous. Threats on one side were followed by demands on the other. The armistice which had, for some time, existed between Mexico and Texas, was abruptly terminated, and preparations made to renew the war with the utmost vigour and an unheard-of severity. No quarter was to be given to any foreigner, who might be taken fighting against the troops of Mexico. It was, in fact, to be a war of extermination.

The American envoy at Mexico was hereupon instructed to inform the Mexican government, that a renewal of the war with Texas, while the question of annexation was pending, would not be looked upon with indifference by the United States. He was also advised to protest against the war, and the manner in which it was proposed to carry it on.

The Mexican government, on the other hand, had already openly committed itself on this point. In the official note from Mr. Bocanegra, minister of foreign relations, in reply to one from Mr. Green, American *chargé d'affaires* ad interim, informing him that the treaty of annexation had been signed; the position was unequivocally taken and reiterated, that Mexico would consider the ratification of the treaty as a declaration of war. The treaty was rejected in the senate, and the Mexican government had the temporary satisfaction of making the people believe it had carried the point, by the bold and determined tone it had assumed.

On the 28th of February, 1844, an event transpired at the seat of government, which, by its awful and sudden character, agitated the whole country. The United States steamship Princeton, then on the Potomac, commanded by Captain Stockton, had a very large party on board, invited by the secretary of the navy to partake of a collation and witness experiments with the celebrated Paixhan gun, which had been called the *Peacemaker*. Among the company were the president, his cabinet, a large number of members of congress, and distinguished citizens, with their families. The party amounted to nearly three hundred persons. The day was spring-like, and all that conduced to the happiness of the guests had been provided by Captain Stockton and Mr. Secretary Gilmer.

The gun was loaded with a ball of over two hundred pounds, and charged with between thirty and forty pounds of powder, and had been fired several times. As the steamer was returning, and near to Mount Vernon, it was again discharged with a ball, and exploded. A cluster of persons stood around, and they were all either killed or badly wounded. Mr. Upshur, the secretary of state, Mr. Gilmer, secretary of the navy, Mr. Virgil Maxcy, formerly minister at the Hague, Commodore Kennon, and Mr. Gardner, of New York, were killed on the spot, and fifteen other persons badly wounded, and several of them mortally.

In the earlier days of the republic, it had become an established precedent, which nothing but party spirit had interfered with, that the president should be allowed to serve two terms. As the aspirants for office became more numerous and eager, and party spirit became paramount in the selection, this custom was found often to stand in the way of the cherished designs of the defeated party. It was therefore denounced as selfish, unpatriotic, and at variance with the spirit of the constitution. The objection was a

popular one, and easily wrought up into ammunition for the small arms of noisy demagogues. It was adopted, as a watchword, by both of the leading parties. General Harrison, in accepting the nomination to the chief magistracy, had declared himself in favor of the principle, and pledged himself, in any case, not to stand as a candidate for reelection.

Mr. Tyler, having reached the presidency without the ordeal of a canvass for that office, had not been called upon to give a similar pledge. Nor, in assuming the mantle of his fallen chief, did he hold himself bound to carry his pledges, or fulfil his promises. He looked to a reelection. And some of his friends urged the point, with the apparent hope of securing a nomination.

Mr. Clay and Mr. Van Buren, who were put forth as the opposing candidates, by the two great parties, both took strong ground against this last favourite measure of Mr. Tyler, the annexation of Texas. Mr. Clay stated his objections thus, in a letter dated May 9, 1844: "I consider the annexation of Texas, at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in a war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion." This may be taken as a fair indication of the general sentiment of the Whig party, who favoured the election of Mr. Clay.

Mr. Van Buren, in terms nearly as explicit as the above, set forth his objections to the measure, and arrayed himself, and the party of which he was the exponent, in direct hostility to the system of measures it was designed to promote. By mutual consent, it was made a sectional question. It had two aspects, a northern and a southern. It was originated and sustained for the purpose of extending the area of slavery, and preserving, to the peculiar institutions of the south, their preponderant influence in the councils of the nation. But "to extend the area of freedom" was the ostensible motive, the motto on the banner of all its supporters, both at the north and at the south.

In the elections of 1844, the parties were unusually divided. So many candidates claimed the support of the people, that it became very difficult to make a selection, without disturbing the party organization on which the whole depended. In the Democratic party, Mr. Van Buren, of New York, Mr. Cass, of Michigan,

Mr. Johnson, of Kentucky, Mr. Buchanan, of Pennsylvania, Mr. Woodbury, of New Hampshire, and several other less prominent names, took part in the competition. The convention assembled at Baltimore. Great difficulties were apprehended in coming at a nomination that should unite the strength of the party. But, acting upon the principle that in union only there is strength, they resolved to yield all personal and sectional considerations to the one paramount purpose of securing a triumph in the coming contest. Accordingly, after much caucusing and contriving, they concluded to abandon all their candidates, and take up a new one, who had not yet entered the course. Backed by the commendation of General Jackson, then about to take his departure from the conflicts and honours of life, James K. Polk, of Tennessee, received the nomination and pledges of the Baltimore convention for president, while George M. Dallas, of Pennsylvania, was honoured with the office of the vice-presidency.

The Whig party, at the same time, and with great unanimity, nominated their old champion, Henry Clay, of Kentucky, for president, and Theodore Frelinghuysen, of New Jersey, then chancellor of the university of New York, for vice-president. The prominent questions at issue were, the currency, the tariff, the annexation of Texas, the veto power, and the distribution of the proceeds of the public lands.

The canvass was the most exciting since the organization of the government. It was most fiercely contested on both sides, and almost every expedient was resorted to for the purpose of winning votes. Both parties were confident of success, and were animated by the greatest ardour and enthusiasm. The result was a complete triumph of the Democratic party, in the election of James K. Polk to the presidency, and of George M. Dallas to the vice-presidency, by a majority of sixty-five electoral votes.

James Knox Polk, the eleventh president of the United States, was born in Mecklenburgh county, North Carolina, on the 2d of November, 1795. He was the eldest of ten children. His ancestors emigrated from Ireland during the first part of the eighteenth century, and settled in the state of Maryland. A portion of the family removed, first to Pennsylvania, and about the year 1750 they located in North Carolina. In 1806, Major Samuel Polk, the father of James K. Polk, emigrated to Tennessee, and settled upon Duck River. It was here that young Polk endured the hardships of a border life, until his constitution, which was then quite delicate, came near giving way

under the toil and fatigue to which he was exposed. Yielding to the persuasions of his son, Major Polk enabled him to enter the college at Chapel Hill, North Carolina, in 1815, where he graduated in three years, with the highest honours. He was distinguished at college for laborious application to his studies, and by a strict conformity to the regulations of the institution. He was always present at recitations, and invariably attended morning and evening prayers in the chapel.

When he completed his collegiate education, he entered the office of the celebrated Felix Grundy to prepare himself for the practice of the law. He commenced the arduous duties of his profession in 1820, in the county of Maury, and at once assumed a high position at the bar.

In 1821, he was clerk to the legislature of Tennessee. His political career commenced in 1823, when he was elected a member of the legislature of Tennessee. In 1825, he was elevated to a seat in congress. He was reelected every succeeding two years, until 1839. In 1835, he was speaker of the house of representatives, to which position he was reelected in 1837. In 1839, he was chosen governor of Tennessee, and in 1844, president of the United States.

It is worthy of remark, in this connection, that, while Mr. Clay and the Whig party professed stern opposition to the annexation of Texas, and the consequent extension of the slave interest, protesting that it would inevitably lead to a war with Mexico, and the still further enlargement of the area of slavery, the "liberty party," so called, holding in several states the balance of power, and being fully competent to decide the fate of the canvass, refused all and every solicitation, on the part of the real friends of freedom, adhered to their hopeless and suicidal purpose of sustaining their own candidates, and thus virtually procured the election of a man pledged to go against them on every point of their political creed, in preference to one who was equally pledged to sustain and carry out its fundamental article.

Of Mr. Polk's antagonist in this struggle, the following is presented as the voluntary eulogium of his political enemies:—

"Mr. Clay, the unsuccessful candidate of the Whig party for the presidency, had for a long period been an aspirant for that office. As early as 1824, he was supported for that position by many warm admirers. Perhaps no man in the Union has won the attachment of so many ardent and enthusiastic personal friends as

Mr. Clay. No disaster can dampen their zeal, and each successive defeat only has the effect of attaching them still more closely to his person and his fortunes. He is, indeed, a noble leader. His bold and impassioned eloquence, his affability and fascination of manner, and his unwavering devotion to his friends, altogether constitute him one of the most influential statesmen which this country has ever produced.

"His patriotism has been too often put to the test to admit of doubt. Upon two occasions he has interposed his form between the exasperated citizens of the north and south. When the excitement raged with frightful violence before the admission of Missouri, and threatened to destroy the Union itself, with a promptness and sincerity which proved that a patriot's heart beat within his bosom, he poured oil upon the troubled waters, and assisted to allay the storm. And now, when danger thickens, and a dark and threatening cloud hovers over the temple of liberty, his tall and venerable form is again seen protecting from sacrilege and violence our glorious constitution, and in tones which are tremulous with age, he implores our distracted countrymen to pause in their career, and save the American confederacy from the frightful horrors which must flow from its dissolution."*

The treaty of April, 1844, had laid open to the world the plans and wishes of the two republics. The European powers looked upon the measure with an unfavourable eye. Though neither possessing nor claiming any right to interfere, they would gladly have prevented such an accession to the territory of the United States, especially on its southern border. Overtures had been made, on the part of Texas, to England and to France, but they had not been met. The United States, after a season of merely prudential delay, had extended the right hand of fellowship, and was now negotiating a full matrimonial alliance.

The representatives of England and France both forbade the bans, by a formal protest in the name of their respective governments. It was, however, only a paper protest, and never intended to be carried any further.

President Tyler brought the subject again before congress, in his last message of December, 1844, urging it upon their attention as a matter of paramount importance. Immediately after the organization of the two houses, joint resolutions were introduced for effecting the measure, and it continued for three months, the

all-absorbing topic of the session. After a spirited but unavailing opposition, the resolution passed both houses, and on the 3d of March, the very last day of his official term, received the signature of the president, and became a law.

The second of the joint resolutions provided, that if the president of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the first resolution to the republic of Texas as an overture on the part of the United States for admission, to negotiate with that republic, then, that a state to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in congress until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing states, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the governments of Texas and the United States; and the sum of one hundred thousand dollars is hereby appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the senate, or by articles to be submitted to the two houses of congress, as the president may direct.

It is a singular circumstance, that, although he had scarcely half a day remaining of his magistracy, President Tyler availed himself of the proviso here presented, which was manifestly intended for his successor, and, withholding the overture made in the first resolution, commissioned and despatched a messenger, that very night, to proceed to Texas with a new proposition. He had scarcely passed the boundary of the District of Columbia, when Mr. Tyler ceased to be president.

On the 6th of March, Mr. Almonte, the Mexican minister, protested against this act of the United States, reiterated the right of Mexico still to claim and recover, by any means in her power, her revolted province, and demanded his passports.

But annexation was not yet consummated. The consent of the people of Texas was required to the arrangement. Her governor, who had hoped for more liberal terms than the United States had been disposed to grant, seemed inclined to reopen negotiations with the powers of Europe, which had a twofold purpose to achieve; viz.: curbing the growing power of the American confederacy, and checking the growth of

* History of the Polk Administration, by Lucius B. Chase.

slavery. Preliminary conditions were submitted to the envoys of England and France, for a treaty of peace between Mexico and Texas, providing that Mexico should acknowledge the independence of Texas, and that Texas should bind herself, as the condition of such acknowledgment, to refuse all future projects of annexation, and remain forever separate and independent.

These preliminaries were forwarded to Mexico, and laid before the government, Herrera being the president, supported by a strong array of French and English influence. Under the pressure of the crisis, which was felt to be imminent and inevitable, they were instantly met by a full assent on the part of the Mexican congress, and the necessary authority given to open negotiations on the subject.

This looked, for the moment, like a sudden reversal of the whole scheme. But, in all this matter, the people of Texas had not been consulted. It was now submitted to the senate of that state for ratification, fortified by an official intimation, that war would be the consequence, if it was not immediately accepted. It was, nevertheless, unanimously rejected.

A few weeks after, the existing government of Texas gave its consent to the proposal for annexation, as set forth in the joint resolutions of the American congress, by the unanimous vote of both houses, and the official approval of the president.

THE WAR WITH MEXICO.

It has been seen that the apprehension of Mexican invasion on the part of Texas was so great, that her commissioners refused to enter upon the treaty of 1844, unless supported by the actual presence of the United States army on their frontier, and the United States navy on their coast. And the fear of Mr. Tyler was so great, that he should lose the glory of having achieved so desirable an acquisition, that he overcame all the scruples of neutrality, and, without declaration of war, or any other intimation of the national purpose, prepared to plant a hostile force on the borders of Mexico.

It was in this complicated state of its foreign relations that Mr. Polk entered upon the administration of the government. Strongly committed to the acquisition of Texas, and even carrying his views so far as

to look upon that country as having already belonged to the United States, and now only to be "*reannexed*," he was prepared to follow vigorously in the footsteps of his predecessor.

The rejection of the Tyler treaty rendered unnecessary the immediate presence of the United States arms within the borders of Texas. But, as the negotiations were still going on, under the joint resolutions, Mexico continued to maintain the same threatening attitude toward Texas, and to refuse the customary diplomatic intercourse with the United States.

In the mean time, General Zachary Taylor, then having command in the south-western department, had been ordered, by a letter from the adjutant-general, bearing date March 21, to hold a portion of the troops under his immediate command in readiness to move into Texas, at any time, upon further orders from the department. The first ostensible motive of this management was the suppression of any hostile movement on the part of the Indian tribes that infested the Texan border. The better to understand his position in this respect, General Taylor was directed to put himself in immediate correspondence with the authorities of Texas, and with any diplomatic agent of the United States who might be residing therein.

On the 28th of May, these orders were recapitulated, in a confidential communication from the war department, with the following clause, indicating another object besides the protection of Texas against her Indian neighbours:—

"Should the territories of Texas be invaded by a foreign power, and you shall receive certain intelligence through her functionaries of that fact, after her convention shall have acceded to the terms of annexation contained in the resolutions of the congress of the United States, you will at once employ, in the most effective manner your judgment may dictate, the forces under your command, for the defence of these territories, and to expel the invaders."

On the 23d of June, 1845, the government of Texas accepted, on its part, the terms offered for annexation, leaving the final action to a convention of the people, which had been duly called for that purpose.

On the 28th of June, Mr. Donelson, the American *charge d'affaires*, wrote to General Taylor, directing him, in pursuance of previous orders from Washington, to proceed without delay to the western frontier of Texas, in order to give that protection against the menaced invasion of Mexico, which the president of the United States had offered. He accordingly took

immediate measures for the removal of his troops. Seven companies of the second dragoons, the cavalry of his command, marched by land to San Antonio, while his infantry, composed of the third and fourth regiments, moved to New Orleans, to be transported by water to Aransas Bay. At the same time, Commodore Connor, commanding the ship of war *Falmouth*, being ordered to the Gulf of Mexico, took his station off Vera Cruz, the other vessels of the squadron occupying various positions along the coast.

On the 4th of July, the Texan convention gave a unanimous assent to the terms of annexation, by which, though a formal vote of admission was yet to be passed by the congress of the United States, the act was fully consummated.

On the 25th of July, General Taylor, with eight companies of infantry, arrived at Aransas Bay, and formed a temporary encampment on St. Joseph's Island. Finding the place wholly unsuitable for a permanent post, he soon removed to Corpus Christi, a point immediately west of the mouth of the Nueces, then the farthest limit of Texan population.

During the progress of these events, great changes had taken place in Mexico. The revolution of December, 1844, had deposed and banished Santa Anna, and placed Herrera at the head of the government, through whose agency it was intimated to the United States government, that the customary intercourse might now be renewed between the two countries. The result of this was the appointment of Mr. John Slidell as envoy extraordinary and minister plenipotentiary to Mexico, with full power to negotiate a settlement of all difficulties then existing between the two nations. At the same time, the American squadron was ordered to retire from Vera Cruz.

The announcement of this approach to a pacific arrangement highly exasperated some of the Mexican agitators, who immediately declared the purpose of overturning the government of Herrera, in favour of some one who could better maintain the dignity of the republic. This movement was headed by Paredes, who had been the instrument of placing Herrera in power. He was in command of a considerable force at San Luis Potosi. He was ordered to break up his cantonments, and distribute his troops to several specified posts. Instead of doing this, however, he immediately, on the 15th of December, pronounced against Herrera, and moved his columns upon the capital. On the 30th, Herrera resigned the presidency. Paredes, a few days after, entered the city as military dicta-

tor, and set about organizing a government for himself.

Mr. Slidell arrived at Mexico about a month before the resignation of Herrera. That functionary, perceiving that his popularity would be jeopardized by seeming to yield to the claims of the United States, now refused to receive the minister, on the ground that he had been appointed and commissioned as a minister plenipotentiary, with full powers to settle and adjust all disputes and differences between the two republics; while Mexico, unwilling, at that time, to go into other questions, could only receive him as a commissioner *ad hoc*, to settle the Texas question. By admitting him as a full envoy, they would be sanctioning the complete reestablishment of diplomatic relations: the matter of Texas, her revolt and annexation, would be complicated with mere pecuniary claims, and commercial arrangements, and thus the international relations become more hopelessly entangled than ever.

As no such intimation had been given, in connection with their consent to receive a minister from the United States, this objection on the part of the Mexican government, so frivolous in itself, was regarded only as another of a long series of insulting and abusive equivocations, by which the forbearance of their northern neighbours had been severely tested, and which it would be pusillanimous longer to endure. It was therefore resolved to put matters immediately in a train to enforce an adjustment of every claim. General Taylor was, accordingly, ordered to make instant preparation to advance from Corpus Christi to the Rio Grande, thus taking forcible possession of territory not clearly belonging to Texas, and peremptorily and steadily claimed by Mexico, as having never been recognized as a part of that province. The squadron in the Gulf of Mexico was, at the same time, ordered to be considerably increased.*

Notwithstanding these preparations, Mr. Slidell was directed not to leave Mexico without making another attempt to obtain a hearing from the new government. He had removed to Jalapa. From that place he addressed a note to the minister of foreign relations,

* The Gulf squadron varied at different times. It consisted, however, of the following, in part:—

The Lawrence,	44 guns.	The Somers,	16 guns.
The Cumberland,	44 "	Steamer Princeton,	10 "
The Potomac,	44 "	" Mississippi,	10 "
The Raritan,	44 "	" Spitfire,	3 "
The St. Mary's,	20 "	" Vixen,	3 "
The Falmouth,	20 "	" McLane,	3 "

And a considerable number of gunboats.

Mr. Castillo y Lauzas, setting forth his credentials and asking to be received. On the 12th of March, 1846, an answer was received, refusing the request of the minister, and intimating that preparations were making for open war. The position was assumed that the United States had already taken the aggressive, by locating their troops at Corpus Christi, and menacing the coast of Mexico with an armed squadron. To this Mr. Slidell replied in full, setting forth the views and claims of his own government, and, demanding his passports, left Mexico on the 1st of April.

Before proceeding with the detail of affairs on the southern border, it will be necessary to take a brief notice of another question, which now arose into considerable importance, touching the foreign relations of the United States. This was the question of boundary on her north-western frontier, commonly designated the Oregon question.

The purchase of Louisiana, in 1803, was understood to include all the territory lying west of the Mississippi, and north of the forty-second degree of north latitude, with certain defined boundaries to the south of that line. This was fully confirmed and established in the treaty of 1819. Previous to this transfer, the American title had been secured to all the territory lying east of the Rocky Mountains, and south of the forty-ninth parallel. It was contended that the Spanish claim, now transferred to the United States, extended, on the west of the mountains, to latitude 61° north, but that, by a convention between the United States and Russia, the boundary between the two powers was fixed at 54° 40'. The British, on the other hand, claimed that part lying west of the Rocky Mountains, and north of the forty-sixth parallel, or the latitude of Columbia River. The American claim to the whole of this territory (the part in dispute being called Oregon) was based upon purchase, and priority of discovery, Captain Gray, in the ship *Columbia*, from Boston, having first discovered and entered the Columbia River, in May, 1792. The British claimed the northern portion by right of possession, having a few trading stations somewhere in that direction. The question had been held in suspense for several years, under a treaty of joint occupancy, which was now about to terminate.

In connection with this Oregon question, Mr. Polk, in the judgment of his political friends, committed a fatal error, amounting to what Talleyrand would call a "blunder," and which, having the effect of alienating some of his warmest friends, greatly embarrassed

his administration throughout. In his first communication to the American people, he proclaimed to the world, that our title to the country of the Oregon was "clear and unquestionable." "Nor will it become in a less degree my duty," said he, in his inaugural address, "to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of Oregon is *clear and unquestionable*, and already are our people preparing to perfect that title by occupying it with their wives and children."

This statement was reiterated in language equally plain and unequivocal, in his first message to congress, in which he stated that a proposition of compromising having been offered to Great Britain, and rejected, it had been withdrawn, by his direction, and the American "title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments." The proposition, thus offered and rejected, repeated the offer of the forty-ninth parallel of latitude as a boundary, which had been made by two preceding administrations, but without conceding, as they had done, the free navigation of the Columbia River.

In the same message, Mr. Polk reannounced a principle put forth by Mr. Monroe, during his presidency, which he thought should control the action of the United States.

"Near a quarter of a century ago," said he, "the principle was distinctly announced to the world in the annual message of one of my predecessors, that 'the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.' This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist."

The "blunder," which Mr. Polk is thought to have made, in relation to this matter, is well set forth in the following pertinent question of his biographer: "If

it is the unchangeable policy of this country to prevent Europeans from colonizing any portion of this continent, it applies to territory to which we have *no* claim, as well as to that which *belongs* to us; and if we cannot suffer them to colonize parts of the American continent to which we have no claim, how can we surrender territory to which our title is "clear and unquestionable"?

Whether the action of this administration *was* a political blunder, or, in any sense, an error either of judgment or of fact, we shall not stop to consider, but proceed with the history of its negotiation and settlement.

A determination to enforce the claim of the United States to the territory of Oregon had been solemnly announced in various forms by the government of the United States. The recommendation contained in the president's message to congress, to give notice to Great Britain that the joint occupancy of the territory of Oregon should cease, was discussed at great length in congress. A debate, remarkable for its ability and the display of varied and extensive acquirements, followed the introduction of resolutions giving the twelve months' notice, in pursuance of the convention of 1827. Masterly inactivity was proclaimed by the distinguished senator from South Carolina, as the true policy of the United States. Fears were manifested that the country would be involved in a war with Great Britain, resulting in the destruction of our commerce, and financial embarrassment and ruin. Southern representatives gave indications of a willingness to surrender a portion of the territory, to destroy the growing ascendancy of the north. The characteristics of the members from the two great sections of the confederacy seemed to have changed, and impassioned eloquence and fiery denunciation breathed through every sentence which was uttered by the representatives from the Northern States; while a temporizing, if not a timid, policy controlled many of the representatives from the south. After a long and protracted discussion, the following resolutions passed the house of representatives on the 9th of February, 1846:—

"*Resolved*, By the senate and house of representatives of the United States of America in congress assembled, that the president of the United States cause notice to be given to the government of Great Britain, that the convention between the United States of America and Great Britain, concerning the territory of the north-west coast of America, west of the Stony

or Rocky Mountains, of the 6th day of August, 1827, signed at London, shall be annulled and abrogated twelve months after giving said notice.

"*Resolved*, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties, to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory."

This was afterwards amended so as to leave it at the discretion of the president, whether or not to give such a notice, and thus to throw upon his administration all the responsibility of the measure and its consequences. In this form it passed both houses of congress.

This responsibility Mr. Polk immediately assumed, and, by an official communication through his minister at London, dated April 28, 1846, announced that, "at the end of twelve months from and after the delivery of these presents by the envoy extraordinary and minister plenipotentiary of the United States at London to her Britannic majesty, or her majesty's principal secretary of state for foreign affairs, the said convention shall be entirely annulled and abrogated."

This was soon followed by an offer, upon the part of Mr. Packenham, to settle the question upon the basis of the proposition made by Mr. Polk in 1845. On the 10th of June, 1846, the executive transmitted the proposal to the senate, and solicited the advice of that body as to the course he should pursue. He stated in his message that the opinions which he had expressed in December, 1845, were unchanged; and that if the senate should decline, by the constitutional majority, to advise him to accept the proposition, he should reject it. If, on the contrary, they should, by the majority required to ratify a treaty, advise him to accept the offer of the British government, he would do so.

When Mr. Polk asserted that the title of the United States to the whole Oregon territory was "clear and unquestionable," and asserted his determination to maintain it, he spoke as an American, acting on his own convictions, which, as he several times afterwards declared, both publicly and privately, were never changed. When he passively referred the whole matter to congress, waiving his own cherished convictions of the "clear and unquestionable" rights of his country, and consenting to hold his official responsibility subject to the dictation of a partisan majority in congress, he spoke as a southern man, more watchful of the

"peculiar institutions of the south" than of the acknowledged rights of the nation. We utterly repudiate all party and sectional views on this subject. But he must be more than blind who does not see a marked and uniform difference in the action of the south on all questions of territory, graduated by position only. Timid to an extreme, and "pliant to the very point of cowardice," when a claim of Great Britain is made to a portion of northern territory, which would of necessity be free, — they neither hesitate, nor suffer any one else to hesitate, in swallowing up whole empires of tropical territory, which, in their view, is entitled to the blessings of slavery.

The question thus referred to congress was soon decided. Declamation gave way to action, and a resolution was immediately passed, advising the president to accept the proposition of Mr. Packenham. On that basis, a treaty was accordingly entered into between the two countries. It was signed by Mr. Buchanan, secretary of state, and Mr. Packenham, the British minister at Washington, on the 15th of June, 1846, and duly ratified by the senate a few days thereafter. Thus ended a question of long standing and some importance, in the settlement of which Great Britain obtained all that she claimed of territory, with the additional advantage of the right forever to the free navigation of the Columbia River. An effort was made by Mr. Niles, of Connecticut, to restrict this right to a definite period, to terminate in 1863. But it was defeated by a close party vote, the southern interest going strongly against it.

Before resuming the narrative of the Mexican war, it will be proper to state briefly the grounds of complaint against her sister republic, on the part of the United States. These consisted of spoliations of our commerce, violations of the liberty and rights of individual citizens of the United States, and the refusal, or unexplained delay, to pay just and acknowledged claims, after they had been duly ascertained and verified. In the face of treaties of amity and alliance, these outrages and spoliations continued, till, in the language of President Jackson, in his message to congress, on the 8th of February, 1837, "the length of time since some of the injuries had been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this government, by the late extraordinary

Mexican minister, would justify, in the eyes of all nations, immediate war."

The insult to the nation, specially alluded to in the above extract, was in the conduct and correspondence of Mr. Gorostiza, who, but a short time before, had abruptly terminated his mission, on the refusal of the United States government to comply with his peremptory demands, and published a portion of his official correspondence, appealing to the American people against the acts of their own government.

The revolt of Texas, the deep interest felt and manifested in her success, the part borne in the struggle by American citizens who had emigrated thither, and the early disposition of the people of the south to look to the ultimate adoption of the revolted province, as a member of the northern confederacy, greatly exasperated the feelings of the Mexican people towards the United States, and gave them never-failing pretexts for petty insults and indignities, as well as for delays and refusals to recognize just and acknowledged claims. Or perhaps it would be rendering most exact justice to the case, to say, that these circumstances furnished excellent material for agitation and excitement to the endless succession of parties and partisans, by which that unhappy country was distracted, and kept in a state of civil war, for more than a quarter of a century. This was the true source of the evil. Mexico, though independent of Spain during that period, has never had an established government. The rule has passed in rapid succession from hand to hand of her military chieftains, each one in his turn a usurper, and no one feeling bound to recognize the act of his predecessors, or to acknowledge his own, so long as he could successfully win time by quibbling diplomacy. It cannot be denied that the United States had borne, with the most commendable patience, a long series of injuries and insults, which, with any other nation, under the existing international code, and the prevailing views of national honor, would have rendered a resort to arms unavoidable. Whether, in the case of so feeble an adversary, a nation so "divided against herself" as scarcely to possess the individuality requisite for national accountability, some other course than open war might not have been wisely resorted to, it is too late now to consider. It is to be hoped, however, that the time is not far distant, when such matters will be differently adjusted; when equals among the nations, or those in the full possession of their faculties, will estimate human life too highly to

sacrifice them by thousands in the settlement of pecuniary claims, or to fill up their breaches with the mangled corpses of their subjects, and magnanimously consent to refer to arbitration all the questions which cannot be settled by simple negotiation. It may well be doubted if any of the wars of the nations have paid for themselves. In the case before us, the United States have sacrificed more than twenty-five thousand lives of their own people, and one hundred and thirty millions of money,* to say nothing of the irreparable demoralization attendant upon the course of war, not only in the camp and the march, the sack of town and city, the legalized plunder of the defenceless, the familiarity with scenes of cruelty and violence, the vulgar and beastly abuse of the mere power of self-indulgence, and the long absence from all the hallowed associations and wholesome restraints of home, but in those long-deserted, and, for the most part, desolated houses, the absence of paternal authority and guardianship, the sundering of natural ties, the interruption of household order, the letting down of domestic discipline, and all the long train of moral and social evils which flow from the dismemberment of the family state, and the rude and unnatural putting asunder of what God has joined together. Of these and many kindred evils, the inseparable accompaniments of a state of war, there is no arithmetic, no scale by which to estimate them. To offset them with dollars, with territories—though they be richer than Golconda or Ophir—with empires

—or with that singularly elastic Protean fantasy, national honour—how is it wiser, on the part of a statesman or a people, than for a man to take “the whole world in exchange for his soul”?

There was now a *casus belli* on both sides. Mexico, by refusing to receive Mr. Slidell, had declined negotiation upon the matters in dispute, and virtually said, “Seek your remedy in your own way.” The United States, by the annexation of Texas, and the planting of a military force on her border, had provoked Mexico to this attitude, and assumed the war then existing between Mexico and her revolted province. At least, these were the views set forth by the responsible managers in this great conflict. Without attempting to judge between them, or to decide which of them was the actual aggressor, we will proceed to narrate the leading incidents of the war.

On the announcement of Mr. Slidell’s departure from Mexico, General Taylor was ordered to advance to the Rio Bravo del Norte, which was the farthest limit claimed by any of the extensionists of the United States, or Texas. On the 11th of March, 1846, he moved from Corpus Christi, having under his immediate command about three thousand five hundred men. In pursuance of authority, previously vested in him, he made immediate requisition upon the governor of Louisiana for four regiments of infantry, and upon the governor of Texas for two regiments of infantry and two of cavalry, to be brought into the field as soon as practicable. Similar requisitions were also soon after made.

On the 28th of March, the little army, somewhat diminished in numbers by the necessity of protecting the posts in their rear, arrived on the left bank of the Rio del Norte, opposite to Matamoras, where it encamped on a commanding position, and commenced the erection of works of defence.

The Mexican forces at Matamoras assumed a beligerent attitude, and, on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours, and to retire beyond the Nueces River, and, in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that “he considered hostilities commenced, and should prosecute them.” A party of dragoons, of sixty-three men and officers,

* Official statistics show that the territories of New Mexico and California cost the Union \$ 124,038,353 65 cts. in the expenses of the war and the indemnity paid for the territory acquired. And there will be not less than \$ 6,000,000 in bounties, pensions, and a legion of claims yet to come up for adjustment. Besides which, we have the following statistics of the loss of human life in the war: The number of deaths returned by the officers of the army is 12,878; 9,749 were discharged for disability, of whom at least half have died, say 4,874; 73,260 men were mustered into service during the war, and 50,573 were mustered out; of the residue, amounting to 22,687, 20,072 were returned as dead, discharged, or deserted, and the difference, 2,615, are supposed to be dead; of those mustered out of service, it is estimated that 10 per cent., or 5,057, have since died, making a fearful aggregate, thus:—

Returned dead,	12,878
Half the disabled,	4,874
Missing,	2,615
10 per cent. of the remnant of the army, (which is a very small allowance.)	5,057
	<hr/> 25,424

To this should be added the unascertained and immeasurable amount of domestic misery, pauperism, starvation, and suicide, among the thousands of wives made widows, children made orphans, and parents made childless, by the oft-repeated decimations of this relentless Moloch.

under command of Captain Thornton, were, on the same day, despatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross, the river, and "became engaged with a large body of these troops, and, after a short affair, in which some sixteen were killed and wounded, were surrounded and compelled to surrender."

In pursuance of the purpose of General Arista to prosecute hostilities with vigour, he had ordered General Torrejon, with two thousand five hundred men, to cross the river a few miles above the American camp. It was in watching the movements of this body that Captain Thornton and his company were surprised and captured. Preparations were also made to pass over another division of the Mexican army, below the camp, to form a junction with General Torrejon. General Taylor was aware of these movements, and supposed that their intention was either to surround his position, or to attack his depot at Point Isabel.

Hastening the completion of his defences, which he regarded sufficiently strong to resist any force then opposed to him, he left them, with a garrison of three hundred men, under the command of Major Brown, and marched, with his main force, to Point Isabel. Not meeting with any opposition, nor seeing any traces of the Mexican detachments, he proposed remaining at that post until the arrival of some expected supplies and recruits.

On the morning of the 3d of May, at an early hour, General Arista opened his batteries on the American position, and was immediately answered by a heavy and successful cannonade from Major Brown. The first Mexican battery was silenced in thirty minutes. The firing was then renewed from other points, and kept up during that and several succeeding days, with little effect on either side. On the 4th, the main Mexican army crossed the Rio Grande, with a view to securing a position in the rear of the American fort, and cutting off the communication with Point Isabel. Thus surrounded, and severely cannonaded on every side, for several days, the little garrison bravely defended itself against all odds, and kept the enemy at bay. On the 5th, Major Brown was mortally wounded by a shell. One other man was killed, and thirteen wounded.

The heavy and constant cannonading at Fort Brown was heard at Point Isabel, and induced General Taylor to hasten his return. Without any increase of his force, beyond what was necessary to complete the

garrison at Point Isabel, he took up his line of march on the 7th.

General Arista was impressed with the idea that the Americans, though skilful skirmishers, and formidable in forest warfare, could easily be beaten in open conflict with regular troops. He therefore determined to dispute the passage of General Taylor by offering him battle. His position was well chosen, at Palo Alto, about nine miles from Matamoras. His force was six thousand of the best troops in Mexico. Its left wing, composed of regular cavalry, occupied the road, and rested on a thicket of chapparal, while the infantry in line, with twelve pieces of artillery posted at intervals, extended a mile and a half across the plain. On the right was formed the rancho cavalry, their rear covered by a thicket of chapparal on the south of the road.

On the 8th, about noon, General Taylor came up, his forces numbering about two thousand. After a few moments' halt for refreshment, he formed his column, and, curtained by two squadrons in advance, moved forward. As soon as he was within cannon range, the Mexican batteries opened upon him. The column was then formed in line for battle. Colonel Twiggs commanded the right, composed of three companies of infantry and Major Ringgold's artillery. Duncan's battalion of light artillery, on foot, and the 8th regiment of infantry, were on the left, under command of Lieutenant-Colonel Belknap.

At two o'clock, the Americans advanced in line, immediately after which the work of death commenced; the Mexicans opening their batteries as soon as they could be made to tell with effect. They were answered, promptly and powerfully, by the American artillery, still advancing. The cannonade was kept up more than an hour; the light troops, on either side, taking no part in the contest, though some part of the Mexican line suffered severely from Ringgold's well-directed battery. At length a movement was made to turn the American right. A detachment of cavalry and infantry, under General Torrejon, supported by two guns, turned the lagoon, and, coming up from the right and rear, approached within musket range. This movement was immediately opposed and driven back by Colonel Twiggs.

Meanwhile, the dry grass of the prairie had taken fire, and, fanned by a gentle breeze, the sheet of flame rolled away to the American left, partially concealing the combatants from each other. This occasioned a temporary suspension, during which General Arista

changed the disposition of his forces, so as to avoid the galling fire of the American artillery. General Taylor, who noticed the movement, made a corresponding change in his position, so that, on resuming battle, after an hour's cessation, Ringgold's and Duncan's guns told with greater effect than before on the enemy's ranks.

Unable to stand still and inactive under so destructive a fire, the Mexican troops now demanded to be led to the onset, or to be allowed to fall back. Yielding to their desire, Arista moved his whole right wing to turn the American left, under cover of the cloud of smoke arising from the burning prairie. At the same time, he ordered an attack of the right, by a large body of cavalry. A momentary rift in the wavering volume of smoke revealed this movement to Duncan, who, with the consent of Colonel Belknap, immediately galloped the two sections of his battery to the left, wheeling round the cloud of fire, which had curtailed his movements, with a celerity which astonished the enemy. A severe action here took place, Duncan maintaining his position, and making fearful havoc in the Mexican ranks. The battle now became general. But it was of short duration. The fire of the Americans, being deliberate and well-aimed, was exceedingly destructive, while that of the Mexicans was hasty, wild, and ineffective. The grape from the light artillery, which was movable, and almost ubiquitous, literally mowed down the advancing corps, till, squadron after squadron, they halted, turned, and fled. Repulsed, in the same masterly manner, on the left, the whole line soon after gave way, and retired from the field. Night having set in, and it being quite dark, their retreat was unmolested.

In this engagement, the first of a series of uninterrupted and unparalleled successes, the American army lost nine killed in battle, and forty-seven wounded, several of whom afterward died of their wounds. Major Ringgold, distinguished as the leader of the flying artillery, to the organization and discipline of which he had devoted much time and energy, was one of the marked victims of this conflict. Captain Page, of the 4th infantry, was another. Made prominent by their stations as officers, they were honoured and mourned by the nation, as well as by a large circle of admiring and devoted friends; while the unnamed and unrecorded, who fell by their side, were equally lamented in their own bereaved circles of relatives and friends. It is the fate of war, that the leaders, if they survive the battle, win the laurels of victory; and if

they fall, are honoured with a requiem, a monument, and a place on the enduring rolls of history; while the brave hearts and strong arms that obey their commands, giving and receiving the death-dealing blows, and dying almost unnoticed on the fields they have won, are unknown and unremembered, except in the homes that are made desolate by their fall.

The Mexican loss has been variously stated, from two hundred and fifty-two as officially reported by General Arista, to more than five hundred. As we take the official return of General Taylor, in the one case, candour compels us to admit that of General Arista, on the other; and our natural repugnance to wholesale slaughter comes in strongly in favour of the admission. For, in our view, all Central America, to the Isthmus of Panama, would not compensate for the ravages of this one battle.

Both armies encamped near the field on the following night. At early dawn, on the morning of the 9th, General Arista moved on to Resaca de la Palma. Here he placed himself in a strong position, having been reinforced by the arrival of two thousand infantry and a strong body of cavalry. His forces were skilfully arranged on both sides of a ravine, which traversed the route of the American army, and through which there were only two narrow passes; the road from Point Isabel to Matamoras being one of them. A thick growth of chapparal, on both sides of the road, and all around the ravine, concealed the position and force of the enemy, and made the movement of General Taylor necessarily a cautious and doubtful one. The road pass was protected by a battery of three guns at its northern entrance, facing the American advance, and four in the rear; both of them strongly flanked by heavy bodies of infantry. The cavalry, unable to act in such a position, was posted in strong masses in the rear.

As a pitched battle was impossible in such a position, General Taylor divided his force into small parties of skirmishers. A picked corps of two hundred and twenty men, under command of Captains McCall and Smith, accompanied by Walker's Rangers, and a small party of dragoons under Ridgeley, formed the advanced guard. Ridgeley's guns, planted on the right of the road, within three hundred yards of the pass, opened a lively fire, which was briskly returned, but without effect on either side; the intervening chapparal preventing even an attempt at an accurate aim. McCall and Smith, pressing forward on the left and right, dislodged the Mexicans of the first line from

their positions on the northern side of the ravine. A brisk skirmish ensued; other detachments pressing through the thicket, on the right and left, the action became general. The nature of the ground prevented the use of any other artillery than Ridgeley's battery, which, from the intervening chapparal, was of little effect. There was no position in which a line could be arrayed. Each officer took position, and led his command, as he could, battling, in separate independent squadrons, with any portion of the enemy that could be reached. All was apparent confusion; yet, as there was one spirit of advance and action pervading the whole, there was a general harmony in the attack, which made it scarcely less effective than a regular onset. The thicket was ablaze with the incessant discharges of fire-arms. A skirmish here, a hand-to-hand encounter there, a series of *pêle-mêle* assaults and repulses, charges and counter charges,—such was the opening of the battle of Resaca de la Palma.

While the action continued in this manner, the Mexican artillery kept up a destructive fire from their batteries on either side of the road pass. That on the northern side, though somewhat checked by the quick discharges of Ridgeley's guns, was most troublesome, and General Taylor resolved to silence it. With this view, he ordered Captain May to charge and take it. "I will do it," replied May; and, turning to his men, he said, "Remember your regiment, and follow your officers." Dashing down the road, at full gallop, to execute this order, Ridgeley, who saw what he was at, called out to him, saying, "Stop, Charley, let me draw their fire for you," and instantly poured in a heavy charge of canister, to which the Mexican battery made full reply. The gallant May put spurs to his horse, and, followed by his dragoons, overrode the battery, dispersed the artillery-men at the guns, and instantly rallying the few men that were left, and seizing General De la Vega, who was entangled in the *mêlée*, retired under a severe fire from the second line of Mexican infantry.

Meanwhile, Ridgeley, who, as May was in front, could no longer act from his position, had followed at a gallop, and planted his guns at the road pass, by the side of those just abandoned by the Mexicans, ready to defend it at all hazards. The whole American force now pressed forward, and pushing into the chapparal, and beating through the ravine, engaged, in the same irregular manner as before, with the entire Mexican force on the other side. The struggle was severe and well contested, but not of long continuance.

Disputing, in small parties, the American advance till their last gun was captured, the Mexicans finally gave way on all sides, and took to flight. They were followed in close pursuit, and driven, in broken masses, into the chapparal, and over the Rio Grande. As the pursuers came up to the bank, the batteries at Matamoras opened fire upon them. The guns at Fort Brown replied, by heavy discharges upon the upper ferry, at which the fugitives were crossing. But, night coming on, the cannonading ceased, and, under favour of the darkness, the vanquished fled unmolested, and the conquerors sought repose in their tents.

The loss, in this battle, was about fifty slain, and more than a hundred wounded, on the American side. That of the Mexicans is unknown, but is supposed to have been very great. It is estimated by some at a thousand men. The estimate is not extravagant, if we include those lost in attempting to cross the river. A Mexican narrative of the battle says, "The defeat having taken place, the dispersion became general. The soldiers sought the river in all directions, not believing themselves safe while they were on the other side. A large part of the army having reached the crossing at Auacuitas, the confusion and trampling on each other were astonishing. They began to dispute for the preference in being ferried over in the only two boats that were found. The obstinacy of every one increased the difficulty. The boats were detained, in pushing off from the bank, by the efforts of the men in them to get rid of those who rushed in to take their places. Fright spread the idea that the pursuing enemy approached. The disorder increased. The want of transports rendered desperate the miserable fugitives, who, to escape from one danger, rushed into another. They sought some ford which saved them, or threw themselves into the river with their clothes and arms, and almost all were drowned. A very limited number, if in fact any, safely reached the other shore. The army was diminished to one fifth of its original strength." Beside this heavy loss in their effective force of men, their entire artillery, consisting of eight pieces, with its equipment and ammunition, their camp and camp furniture, and five hundred pack mules and saddles, fell into the hands of the victors. General Arista lost his personal baggage, a valuable service of plate, and all his public correspondence.

Reënforcements having commenced arriving at Point Isabel, General Taylor made immediate preparations for crossing the river, and carrying the war into Mexico. Being informed of these preparations, General

Arista sent, on the 17th, to propose an armistice. This was promptly refused by General Taylor, and the immediate possession of Matamoras made a *sine qua non*. No answer having been received on the morning of the 18th, General Taylor commenced the passage at an early hour. The usual precautions were taken to meet any effective opposition. But it was soon ascertained that the town had been evacuated, during the night, by the remnant of the army, about three hundred of the sick and wounded only being left behind. The arms and public stores had been, to a large extent, concealed, or thrown into the river. By the diligence of the Americans, a great portion of it was recovered.

It was now determined to push the war vigorously into the heart of the country, with a direct aim at the capital.

By the act of the 13th of May, 1846, the president was authorized to call into the field fifty thousand volunteers, to serve for one year, or during the war; and an appropriation was made for the purpose of carrying it into effect. Here arose a serious political difficulty. The preamble to that act declared that, "whereas, by the act of the republic of Mexico, war exists," &c. The opposition members of congress distinctly charged that the war was brought on by the unconstitutional order given by Mr. Polk for the concentration of our troops upon the Rio Grande. It was nevertheless entertained; and although the whigs were disposed to vote for an appropriation of money, and the raising of men for the purpose of relieving General Taylor, still they made strenuous exertions to strike the preamble from the bill. This they were unable to do, and upon its passage, they all voted for it, with the exception of fourteen members of the house and two or three senators. The position which they occupied was an exceedingly delicate one. They had to adopt one of two alternatives; either to vote for the preamble, which they declared was untrue, or to vote against the bill.

This they were most reluctant to do, as that was to refuse supplies to a gallant and victorious army, situated, by no fault of theirs, in the heart of an enemy's country. The wording of the preamble was one of those political juggles, by which, without reference to truth, honour, or patriotism, a faction seeks to make capital out of the exigencies of the nation. Its whole purpose was to compel the opposers of the war to take an unpopular position, by voting against supplies which they were as ready to furnish as their opponents, and which the whole country demanded, or consent to the false declaration of the preamble, and thereby admit

the justice of the war. The fairness and honourableness of the manœuvre can easily be seen, by supposing that a majority of either house had been opposed to the administration, and yet anxious to furnish General Taylor with all the requisites of actual warfare; and that, in framing a bill for that purpose, they had harshly and severely censured the action of the president in the premises. Would his friends have felt themselves treated fairly and honourably, to be compelled to meet such a dilemma? The result has shown, emphatically and instructively, that "to manœuvre is not always to win;" and that, even in politics, "honesty is the best policy."

The call for volunteers was promptly responded to on every side. Where fifty thousand were wanted, five hundred thousand were offered, and the difficulty was to keep back the eager thousands that were pressing into the service.

The dismemberment of the Mexican territory now became the palpable object of the war party. Commodore Sloat, with a sufficient squadron, had been stationed on the Pacific coast, a year before the first outbreak on the Rio Grande, with orders, in case of war, to possess himself at once of California. "The Mexican ports on the Pacific are said to be open and defenceless," said the secretary of the navy, in a letter, dated June 24, 1845. "If you ascertain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco, and blockade or occupy such other ports as your force will permit." And this notwithstanding the repeated declarations of the president, that the war was not waged with a view to conquest, but to obtain, with an honourable peace, "indemnity for the past, and security for the future."

Under the act of May 13, requisitions were immediately made upon the governors of the states of Arkansas, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Missouri, Illinois, Indiana, Ohio, and Texas, for a volunteer force amounting to twenty-six regiments, which, with a battalion from the District of Columbia and the state of Maryland, numbered in all about twenty-three thousand effective men, to serve for the period of twelve months, or to the end of the war. A large portion of this force was placed under the command of General Taylor, who had made the Rio Grande the base of his operation. The plan of operations, designed by the administration, was to attack Mexico in several directions. Taylor was to advance in the direction of Monterey; General Wool

was to march from Antonio de Bexar, in the direction of Chihuahua; and General Kearney was to assemble the volunteers from the state of Missouri, and a few hundred regular troops at Fort Leavenworth, and make a descent upon Santa Fé, and from thence, with a portion of his command, was to advance rapidly upon California. At the same time, a more direct attack was to be made upon the capital, by way of its principal, and, in the view of the Mexicans, impregnable fortress at Vera Cruz. Any one, by glancing at a map, will at once discover the comprehensiveness of this plan. The advance of General Taylor and General Wool into that portion of the Mexican territory would be calculated to convince the Mexicans of the importance of reopening negotiations; whilst the expedition under General Kearney would obtain possession of that portion of Mexico which it was desirable to retain.

Meanwhile, as the reinforcements began to arrive, and General Taylor's force was augmented to some eight thousand men, he commenced his movement into the interior. On the 1st of August, he left Matamoras with a column of six thousand regular and volunteer troops, and, on the 8th, entered Camargo, where General Worth, with his division, had arrived on the 24th of July previous. No opposition was made to his progress, the entire Mexican army having fallen back on the road to Monterey.

Monterey* was the first point now aimed at by General Taylor, and Camargo was an important depot pending his operations in that quarter. It is on a bend of the Rio Grande, above Matamoras, and is the nearest point of access to Monterey. Having made the necessary dispositions here, and left competent garrisons at all the intervening towns on the river, General Taylor sent forward two divisions, under the command of Generals Twiggs and Worth, who took up their

line of march on the 19th of August. General Butler's brigade followed on the 24th, and General Taylor on the 5th September. On the 13th, the whole column was in motion for Monterey.

Generals Arista and Ampudia had both been summoned to Mexico, to answer for the disasters of Palo Alto and Resaca de la Palma. The command in the north devolved upon Mejia. His force at Monterey was somewhat over four thousand men. On the 28th of August, General Ampudia arrived, with large reinforcements, and assumed the command.

General Taylor arrived before Monterey on the 19th of September, with six thousand six hundred and forty-five men, and nineteen pieces of cannon. After reconnoitering the city, he encamped at Walnut Springs, three miles distant. On the 20th, General Worth's division was ordered, by a circuitous route, to gain the Saltillo road, to the west of the city, and to storm the heights above the Bishop's Palace. On the 21st, he met a large body of Mexican cavalry and infantry, supported by artillery from the heights. Having repulsed them, he encamped, covering the passage to the Saltillo road. Two forts on the opposite side of the San Juan River were then stormed and carried; and the guns of the fort last taken were immediately turned on the Bishop's Palace.

To favour the movements of General Worth, the first division of regular troops, and a division of volunteers, under General Butler, were ordered to make a diversion on the left of the town. Lieutenant-Colonel Garland was ordered forward, to carry, if possible, the advance battery on the extreme left of the city. A heavy and destructive fire opened upon the advance of the Americans; but, passing through two batteries, an incessant cross-fire from the citadel, and the thousand musketeers on the housetops and behind barricades, they entered the city, and engaged with the enemy in the streets. The rear of the first battery was soon turned, and the reverse fire of the troops, through the gorge of the works, killed or dislodged the artillery in its rear. The first division was followed and supported by the Mississippi, Tennessee, and First Ohio regiments. The two former were the first to scale and occupy the fort. The loss of the Americans in killed and wounded, during the day, was three hundred and ninety-four.

On the 22d, at dawn, the second division, under General Worth, carried the height above the Bishop's Palace; and soon after noon the Palace itself was taken. In the lower part of the city, the Mexicans continued their fire during the day; but at night they

* Monterey, the capital of the state of Nueva Leon, lies in a valley at the eastern base of the Sierra Madre. The valley, though not large, is of great fertility, and supports a considerable population. On its east rises the single elevation of the Saddle Mountain; and the main chain of the Sierra, and its spurs, are the boundaries on the southern, western, and parts of the northern limits. The main road from the Rio Grande to the capital of Mexico leads from the east, through a cultivated country, some distance to the north of the Saddle Mountain, and, passing through the city, continues on by a pass, varying from one to three miles in width, through the Sierra, and on to the desert country, between the latter place and San Louis de Potosi. A rivulet—the Rio San Juan de Monterey—rises in this pass, and, running eastward, traverses the valley.

Monterey stands on the northern bank of this rivulet, and extends, in its length, near a mile and a half along the stream. It contains ordinarily about ten thousand inhabitants

evacuated nearly all their defences. On the 23d, General Quitman was ordered to advance into the city, assisted by Captain Bragg's battery and the dismounted Texan volunteers. This advance was conducted vigorously, but with due caution, till the troops arrived within one square of the principal plaza, near which the enemy's troops were concentrated.

On the morning of the 24th, General Ampudia made an offer of capitulation. The terms accepted were, that the Mexican troops should march out of the city with their arms and accoutrements, and should be allowed seven days to evacuate. The American troops were not to occupy the city till that time. The citadel, however, was to be evacuated on the 25th, and an American garrison marched in. An armistice of eight weeks was also agreed upon.

The American loss, in capturing the city, was one hundred and twenty killed, and three hundred and sixty-eight wounded. Forty-two pieces of cannon, and a large supply of ammunition, fell into the hands of the victors.

The terms of this capitulation created much dissatisfaction among the advocates of the war in the United States. It was a subject of much regret that General Taylor did not exact more rigorous terms. He was informed, by the secretary of war, that the president regretted that he had not insisted upon the terms he had first proposed. It was stated that the object of this urgency was, by the stringency of our measures, to compel the Mexican government to come at once to terms. To this General Taylor replied as follows:—

"The force with which I advanced on Monterey was limited, by causes beyond my control, to about six thousand men. With this force, as every military man must admit, who has seen the ground, it was entirely impossible to invest Monterey so closely as to prevent the escape of the garrison. Although the main communication with the interior was in our possession, yet one route was open to the Mexicans throughout the operations, and could not be closed, as were also other minor tracks and passes through the mountains. Had we, therefore, insisted on more rigorous terms than those granted, the result would have been the escape of the body of the Mexican force, with the destruction of its artillery and magazines; our only advantage being the capture of a few prisoners of war, at the expense of valuable lives and much damage to the city. The consideration of humanity was present to my mind during the conference which led to the convention, and outweighed, in my judgment, the doubtful

advantages to be gained by a resumption of the attack upon the town. This conclusion has been fully confirmed by an inspection of the enemy's position and means since the surrender. It was discovered that his principal magazine, containing an immense amount of powder, was in the cathedral, completely exposed to our shells from two directions. The explosion of this mass of powder, which must have ultimately resulted from a continuance of the bombardment, would have been infinitely disastrous, involving the destruction not only of the Mexican troops, but of non-combatants, and even our own people, had we pressed the attack.

"In regard to the temporary cessation of hostilities, the fact that we are not at this moment (within eleven days of the termination of the period fixed by the convention) prepared to move forward in force, is a sufficient explanation of the military reasons which dictated this suspension of arms. It paralyzed the enemy during a period when, from the want of necessary means, we could not possibly move. At the date of the surrender of Monterey, our force had not more than ten days' rations; and even now, with all our endeavours, we have not more than twenty-five. The task of fighting and beating the enemy is among the least difficult that we encounter: the great question of supplies necessarily controls all the operations in a country like this.

"In the conference with General Ampudia, I was distinctly told by him that he had invited the convention to spare the further effusion of blood, and because General Santa Anna had declared himself favourable to peace. I knew that our government had made propositions to that of Mexico to negotiate; and I deemed that the change of government in that country since my last instructions fully warranted me in entertaining considerations of policy. My grand motive in moving forward with very limited supplies had been to increase the inducements of the Mexican government to negotiate for peace. Whatever may be the actual views or disposition of the Mexican rulers, or of General Santa Anna, it is not unknown to the government that I had the very best reason for believing the statement of General Ampudia to be true. It was my opinion at the time of the convention, and it has not been changed, that the liberal treatment of the Mexican army, and the suspension of arms, would exert none but a favorable influence in our behalf.

"The result of the entire operation has been to throw the Mexican army back more than three hundred miles, to the city of San Luis Potosi, and to open the country

to us, as far as we choose to penetrate it, up to the same point."

The allusions to Santa Anna in the above letter, and the two months' armistice agreed upon, make it necessary to turn aside, for the present, from the brilliant course of General Taylor's victories, to take a view of what was passing at other points in the wide field of operations.

Another revolution had taken place in Mexico. The government of Paredes was overthrown. Santa Anna had been residing in exile at Havana. What means the American government had of becoming acquainted with the ulterior designs of this modern Proteus has never been publicly divulged. But, under the persuasion that, in some way, benefit to the American cause would accrue from his restoration to power, the administration wished his return. He was notified of this fact, and Commodore Connor, commanding the blockade at Vera Cruz, was instructed, by a private and confidential order from the secretary of the navy, to let him pass freely.

[Private and confidential.]

NAVY DEPARTMENT, May 13, 1846.

COMMODORE: If Santa Anna endeavors to enter the Mexican ports, you will allow him to pass freely.

GEORGE BANCROFT.

Commodore DAVID CONNOR,
Commanding Home Squadron.

He entered, accordingly, unmolested, and was soon invested with supreme dictatorial powers, under solemn pledges to prosecute the war with all diligence, and to drive back the hated invaders of the Mexican soil.

The views of the American government, in favouring the return of Santa Anna, were known to General Ampudia, and he made skilful use of them in negotiating with General Taylor. Santa Anna, however, entertained no views but those which looked to his own aggrandizement. Promises and pledges, which seemed to stand in the way of this one object, were laid aside, or trampled on, as easily as they were made. Accordingly, without one effort at conciliation, he took up the popular cry, and made vigorous preparation to prosecute the war, taking command of the army in person, and leaving the presidency, ad interim, in the hands of Gomez Farias, the vice-president.

With the design of occupying as much of the territory of Mexico as possible, three expeditions were organized, distinct from those of the main army; one, under General Wool, against the province of Chihua-

hua; a second, under General Kearney, against New Mexico; and a third, under Colonel Fremont, against California. Attempts were also to be made upon all the important ports on the Gulf of Mexico.

The column under Brigadier-General Wool, consisting of about one thousand four hundred men, destined for the conquest of Chihuahua, was put in motion from San Antonio de Bexar, on the 29th of September, 1846, four days after General Taylor had taken possession of Monterey. Crossing the Rio Grande, he traversed Coahuila, and arrived at Monclova, on the 31st of October, and was well received by the inhabitants. The force of General Wool having been diverted from its original destination, it never reached Chihuahua, and he subsequently joined his command to the army of General Taylor.

On the 30th of June, Brigadier-General Kearney, with one thousand six hundred regulars and volunteers, marched from Fort Leavenworth, in the direction of Santa Fé, where he arrived, after a march of eight hundred and seventy-three miles, on the 18th of August, and took peaceable and unresisted possession of New Mexico. The Mexican forces, under the command of Governor Armijo, amounting to four thousand men, fled; and the governor himself, with a small party of dragoons, departed in haste for Chihuahua. General Kearney was authorized to muster into service a battalion from among the emigrants, who were on their way to Oregon and California; in addition to this force, one thousand volunteers were started from Missouri to reënforce him.

In August, 1846, General Kearney communicated to the war department the fact, that he had under his command a greater number of troops than was necessary to retain possession of Santa Fé, and for the conquest of California; and that he proposed sending a portion of them to reënforce General Wool, who, he supposed, was advancing upon Chihuahua. On the 23d of September, 1846, Colonel Doniphan, with the first regiment of Missouri volunteers, started upon that celebrated march, which has not inaptly been compared to that of Xenophon. The men who composed that regiment were young, hardy, and possessed of a desperate and reckless courage, and were well fitted for a service which was surrounded by so many perils. It was not known, when Doniphan left Santa Fé, that the column under the command of General Wool had been diverted from its movement upon Chihuahua, and he therefore penetrated, with his small band of heroes, into a country thronged with foes, and which had

never been trod by the footsteps of an American soldier.

On the 25th of December, the advance guard of his regiment was met by the Mexicans in force, in the vicinity of Brazito, where a battle ensued, resulting in the total overthrow of the enemy, with a loss on their part of nearly two hundred killed and wounded, and on that of the Americans of only seven wounded. In this engagement, less than five hundred Americans defeated twelve hundred Mexicans. Continuing his march, Doniphan entered El Paso without again encountering a foe. It was here ascertained, that the movement had to be made without the aid of General Wool; and the command was detained until February, for the purpose of receiving reinforcements of artillery from Santa Fé, when the force continued to advance towards Chihuahua.

On the 28th of February, 1847, they discovered a large force of Mexicans, intrenched behind their batteries at the pass of Sacramento. It was at once determined to storm the Mexican intrenchments; they were furiously assaulted, and defended with equal desperation. The ardour of the Americans proved irresistible; the fortifications were scaled, the enemy was driven from his artillery with dreadful slaughter, and the victory was signal and complete. The American troops entered the capital of Chihuahua in triumph, and shortly after proceeded to join General Taylor at Monterey.

In September, 1846, General Kearney, with a regular force of about three hundred dragoons, in pursuance of the instructions from the war department, started for California. Passing down the Rio Grande more than two hundred miles, he prepared to cross over to the River Gila; but, after advancing about one hundred and eighty miles, he was met by an express from California, despatched by Colonel Fremont. Deeming it unnecessary to take an additional force into that country, he ordered most of his troops to return to Santa Fé, while he advanced with about one hundred men.

In May, 1845, Captain Fremont left Washington, under orders from the war department to continue his explorations beyond the Rocky Mountains—a service purely of a scientific character. There were no soldiers under his command, and the sixty-two men who made up his party were taken as a protection against the Indians. His route lay through a portion of California that was settled, and he was fully apprised of the danger of a rupture between Mexico and the United States, and was resolved to give no umbrage to the

authorities in California. Leaving his company one hundred miles from Monterey, in Upper California, he proceeded to that place alone, for the purpose of explaining to Castro the object of his mission, and to obtain permission to enter the valley of the San Joaquin, to obtain forage for his horses and provisions for the men. His request was granted; but scarcely had he arrived at the place which he had selected, before he received information that General Castro was preparing to overwhelm him with a superior force. For the purpose of defending himself from this unwarrantable attack, he intrenched his men upon a mountain thirty miles distant from Monterey. There he remained from the 7th to the 10th of March, 1846, without being attacked by the Mexicans; and he at length yielded to the wishes of some of his men, discharged them, and pursued his march for Oregon. After being attacked by hostile Indians, who were instigated by General Castro, he was informed that Castro himself was advancing against him at the head of more than four hundred men, and that the American settlers in the valley of the Sacramento, as well as his own party, were to be involved in the scheme of destruction. Driven, in self-defence, to repel the foe, he determined to overthrow the Mexican authority in California. By rapidity of movement he surprised several parties, and obtained possession of nine brass cannon, and several hundred stand of arms. Castro was driven from one position to another, until he reached Ciudad de Los Angeles. Colonel Fremont having formed a junction with Commodore Stockton, their united forces, on the 12th of August, 1846, entered the City of the Angels, the governor-general, Pico, and the rest of the Mexican authorities, having fled. Commodore Stockton took possession of the whole country, and appointed Colonel Fremont governor. In the short space of sixty days the conquest of a country was achieved, which has more recently attracted the attention of the civilized world.

The territories thus occupied were regarded and treated as conquered. The existing governments were set aside, and military governments formally established in their stead. On the gulf, Tampico was occupied, and without resistance. This port, the capital of the department of Tamaulipas, is second in importance only to Vera Cruz. It is the key to one of the great avenues to the capital. Situated near the mouth of the River Panuco, with a good harbour, and well defended, it was a point of great importance, both in a commercial and a military view. The garrison consisted of more than one thousand soldiers, a detachment of artil-

lery, with one hundred and twenty cannon of all calibres, and with abundant material of the park. In addition to these was a national guard of two thousand citizens. There were also three vessels of war, fully equipped, in the harbour. It is hardly conceivable that such a place, so fortified, should be abandoned without striking a blow in its defence, unless there was treason somewhere. The stories of the manner in which this was effected are various and amusing. One of them, whose authenticity is not without able support, attributes the evacuation mainly to a woman, the brave and worthy wife of the American consul. Her husband, Mr. Chase, having been expelled from the city by a decree of the Mexican government, was received, for a time, on board one of the vessels of the squadron cruising the gulf. While there, Mrs. Chase contrived, in spite of the vigilance of the authorities, to hold communication with him, and subsequently with the naval commanders. Watched, suspected, and not a little persecuted, she contrived to sustain herself, and to impress upon the Mexicans the idea of immense preparations to take the place by storm. Whether from this source, or from another, it is certain that the commanding general had no hope of holding the city. The order was given for its abandonment, which was executed, with great precipitation, on the 27th of October. In the haste of departure, a large portion of the arms and munitions of the city were lost. The works of defence were, to some extent, demolished, and considerable quantities of arms and military stores conveyed to a distance up the river. Notice of the evacuation was given to the American commodore, by the heroic wife of the consul, who also caused the American flag to be hoisted in front of her house, in anticipation of his immediate arrival to take possession. This event was, however, delayed until the 14th of November, by the necessity of sending to Vera Cruz for a sufficient force to enter the place, and protect it.

Victoria, an inland city of some importance, having a port at *Soto la Marina*, was entered, peaceably, on the 29th December. As commanding some of the mountain passes, and lying between Monterey and Tampico, its occupation was deemed very desirable by General Taylor. But it was not expected to be secured without opposition. Two brigades, commanded by Generals Twiggs and Quitman, were detached from Monterey, for this expedition, about the 12th of November, General Taylor accompanying in person. Alarmed by despatches from General Butler, at Monterey, setting

forth the danger of a probable attack, by superior numbers, on General Worth, at Saltillo, General Taylor, with Twiggs's brigade, returned to Monterey, before reaching Victoria. General Quitman proceeded and took quiet possession, General Urrea, with all his force, retiring at his approach.

The troops of the United States now held possession of all the region north of the Sierra Madre, extending from Tampico to Saltillo and Santa Fé. It was next resolved to make a descent upon Vera Cruz, and thence penetrate to the capital. As General Taylor could not leave his important conquests in the interior, this expedition was placed under the immediate command of General Scott, who had hitherto remained at home, in consequence of some personal misunderstanding with the president. As the senior general in the army, he had solicited the command in May, and again in September; but it was withheld on the ground of an unwillingness to supersede General Taylor in his command.

WAR DEPARTMENT,
WASHINGTON, September 14, 1846. }

SIR: I have received your letter of the 12th instant, and submitted it to the president. He requests me to inform you that it is not within the arrangements for conducting the campaign in Mexico to supersede General Taylor in his present command, by assigning you to it.

I am, with great respect, your obedient servant,
W. L. MARCY.

Major-General W. Scott.

On the 23d November, General Scott received orders to place himself at the head of the invading army, with the most ample discretionary powers as to the conduct of the campaign.

The plan of operations required the concentration of a large force, both military and naval, at Vera Cruz. For this purpose, a large portion of General Taylor's division was withdrawn from the interior, so as to leave him no power to act, except on the defensive. It was supposed that a formidable demonstration at Vera Cruz would immediately cause the transfer of Santa Anna, and his army, from San Luis de Potosi to the defence of the capital, and its approaches from the coast. This effect, however, did not follow immediately. He had, by the greatest exertions, and by pledging, for a loan, a portion of his own private property, succeeded in organizing a large army, and found himself at the head of an effective force of more than twenty thousand

men. Employing himself with great industry in disciplining the troops under his command, he was prepared to avail himself of a favourable opportunity to precipitate his army through the mountain gorges of the Sierra Madre, upon the scattered and weakened forces of General Taylor. He knew the absolute necessity of arousing the desponding hopes of the Mexican nation, by a brilliant demonstration, and he saw the time had arrived for striking an effective blow when General Scott was too far advanced towards Vera Cruz to fly to the rescue of General Taylor. Leaving the city of Vera Cruz and the castle of San Juan d'Ulloa to its fate, he determined to measure swords with the "invincible" General Taylor.

The favourable moment for which Santa Anna had anxiously waited, from October until February, had now arrived, and he rapidly advanced from San Luis in the direction of Agua Nueva. General Taylor was assured of this fact on the 20th of February, 1847, and fell back to a more favourable position for defence, at Buena Vista, seven miles south of Saltillo, and eleven miles from his advanced post at Agua Nueva. This movement was made at noon on the 21st.* With a small force, General Taylor returned the same day to Saltillo, to make some arrangements for the defence of that town, leaving General Wool in command of the troops. Before his return on the morning of the 22d, the enemy were advancing and in sight, having marched from Encarnacion, a distance of forty miles, after 11 o'clock the day previous. The position selected by the American commander was one of remarkable strength. The road at that point passed through a narrow defile, and the valley on its right was cut up by deep and impassable gullies; while, on the left, rugged hills and precipitous ravines extended to the mountain which overlooked the battle-field; thus obstructing the use of the enemy's artillery and cavalry, and destroying the advantages which he possessed in the numerical superiority of his infantry. At 11 o'clock, General Taylor received a summons from Santa Anna to surrender at discretion, which he declined acceding to. No serious attack was meditated by the Mexican commander during that day, as he was evidently waiting for the arrival of his rear-guard. The troops bivouacked without fires, and rested with arms in their hands. A body of fifteen hundred cavalry hovered

upon the rear of the Americans during the day, evidently having been ordered to take that position for the purpose of harassing the retreat.

The American commander returned again to Saltillo; and when he arrived upon the field, on the morning of the 23d, the battle had already commenced. The action was brought on by an attempt of the enemy, with light troops, to outflank the American left, where they were met by the riflemen under Colonel Marshall, and a portion of the Illinois volunteers. At 8 o'clock, a heavy column advanced along the road, for the purpose of breaking the centre; but they were repulsed and driven back in confusion. About this time, a dark and threatening mass was seen hovering upon the left, and column after column was poured upon that point, for the purpose of forcing it by immensely superior numbers. Here was stationed the 2d Indiana and the 2d Illinois regiments, covering O'Brien's battery, under the immediate command of General Lane, who ordered the Indiana regiment and the artillery to advance. That regiment receiving a terrible fire from small arms, and being raked by a cross fire of grape and canister from a Mexican battery planted upon the left, broke in disorder and fled from the field, with the exception of a small number, who were rallied by Colonel Bowles. O'Brien's battery was served with tremendous effect; but still the Mexican battalions continued to advance, and, not being supported, he was forced to retire, leaving behind him one of his pieces. A gallant stand was now made by the 2d Illinois regiment; but, being at last outflanked, it was forced to fall back. The movement of the Mexicans in this part of the field was completely successful, and the light troops who had so gallantly defended the mountain were forced to retire, and were not rallied until they reached the depot at Buena Vista, which they subsequently aided to defend. Heavy columns of infantry and cavalry were now poured by Santa Anna along the foot of the mountain, to the rear of the Americans, where they assembled in great numbers. It was at this critical moment, when the victory was almost within the grasp of the enemy, that General Taylor arrived upon the field, accompanied by the Mississippi riflemen, who were ordered into action, and greatly distinguished themselves under the leadership of Colonel Davis. They were gallantly sustained by the 2d Kentucky and a portion of the 1st Illinois regiments, and by the batteries of Sherman and Bragg, and the Mexicans were driven with great loss from the positions they had gained. The American artillery, being in position on

* For details of this battle, see report of General Taylor to the secretary of war, Agua Nueva, March 6, 1847. Executive Documents, 1st session 30th congress. Doc. 8, p. 132.

the plateau, produced terrible havoc among the masses who had gained the left. Again and again the Mexican columns advanced furiously to the onset, but were as often driven back.

The situation of the enemy, who had broken through the left wing, and had gained the rear of the Americans, was now exceedingly critical. At that moment, Santa Anna sent a message to the American commander, to propound the extraordinary question of "what he wanted." Taylor immediately despatched General Wool to the Mexican general-in-chief, and at the same time sent orders to cease firing. The Mexicans still continued the attack, and General Wool returned without having obtained an interview. Santa Anna had, in the mean time, gained his object, which was to enable that part of his army which was in imminent danger of being cut off, to rejoin the main body.* The small demonstrations which were made by General Miñon in the rear of the Americans during this portion of the day, were easily checked by Shover's battery and Webster's command. The firing had partially ceased upon that part of the field which had been so hotly disputed; but the cessation was for a very brief period.

The Illinois and Kentucky regiments, instead of acting on the defensive, made an advance movement to meet the foe. The collision was terrific; the ground was covered with the slain, but the Americans were overwhelmed by superior numbers, and were forced to retreat, leaving dead upon the field Colonels Hardin and McKee, and Lieutenant-Colonel Clay. The trophies of this brilliant charge were two of Captain O'Brien's pieces. He had sustained his position to the very last, and until the infantry which supported him was driven back in disorder. At this critical moment, when the victory had almost deserted the American eagles, Captain Bragg, who had once before assisted to change the fortunes of the day, arrived upon the plateau from the left, and rapidly passing General Taylor, without any infantry support, at once placed his guns in battery. The enemy were within a few yards of their muzzles, and rapidly advancing. The first discharge

of canister from his guns made terrible havoc in the ranks of the enemy; they reeled and staggered as the iron hail swept away whole platoons. The second and third discharge forced them to recoil in dismay, and they fled madly from the field. That was the last attempt made by the enemy to carry the American position; and the night furnished the exhausted troops the opportunity for refreshing themselves. Amid the dead and the dying, without fires, they bivouacked upon the field of battle, listening to the groans of the wounded, and to the chilling blasts which howled through the valley, expecting the morning sun to witness a renewal of the combat. But the result of that long and desperate conflict had broken the spirit of the Mexican army. They expected to achieve an easy victory, but were wholly put to the rout; and they retired under the disheartening impression that the fates were against them, and their foes not to be conquered.

The force engaged under General Taylor was three hundred and thirty-four officers, and four thousand four hundred and twenty-five men, of which only four hundred and fifty-three were regular troops. The strength of the Mexican army was at least twenty thousand men. The American loss was two hundred and sixty-seven killed, four hundred and fifty-six wounded, and twenty-three missing. The loss of the Mexicans in killed and wounded, according to the lowest estimate, was fifteen hundred, and probably amounted to two thousand.

While these important events were transpiring in the field, the capital of Mexico was agitated and distracted with the violence of contending factions, and apparently on the eve of a new revolution. The disasters of Santa Anna were nearly as fatal to him in a political as in a military point of view. Farias, who exercised the presidency in his absence, greatly increased the popular exasperation, by endeavouring to force further contributions from the church, to carry on the war. The excitement was so great, that a resort was had to arms, and a general insurrection was only prevented by the timely arrival of Santa Anna, who, advised of this formidable "fire in his rear," turned his retreat from a foreign foe into an advance upon a far more dangerous domestic one.

While Mexico was thus torn and distracted by internal conflicts, General Scott, on the 9th of March, 1847, effected a landing in the vicinity of Vera Cruz, with a well-appointed army of twelve thousand men, ably supported by a sufficient naval force. The landing

* "The Mexicans, on the contrary, assert, that Santa Anna never did send such a message, but that a Mexican lieutenant, Don Jose Maria Monto e, having been surrounded by the Americans, and not desiring to be taken prisoner, pretended to have been sent to General Taylor by Santa Anna, and managed, while accompanying General Wool to the Mexican general-in-chief, to separate from them, and thus rejoined the Mexicans." — *See Mexican History of the War with Mexico*, p. 126.

was effected without opposition, under the guns of the American squadron. The line of investment was commenced on the same day, but was not completed until the 12th. During that time, a norther prevailed, which drove the clouds of sand into the faces of the troops, and rendered their operations exceedingly difficult. Frequent discharges from the city and castle greatly annoyed the American troops. On the 14th, the Americans forced the enemy to relinquish the space which intervened between the American lines and the city. But the continuance of the storm rendered it very difficult to land the heavy ordnance from the fleet until the 18th. On the 22d, at two o'clock, General Scott issued a summons to the governor of Vera Cruz to surrender, informing him that the city was invested by sea and land. This communication was responded to on the same day by the governor, Juan Morales, who rejected his proposal; and General Scott ordered the seven mortars, which were placed in battery, to fire upon the city. The lighter vessels which composed Commodore Perry's squadron approached within range, and, being somewhat protected from the raking fire of the castle, opened their guns upon the city. The discharges from the fleet and the mortars continued during the night of the 22d, and on the 23d three more mortars were added to the number. During the 24th, the fire somewhat slackened; but on the 25th, all the batteries were in operation, and proved terribly destructive. The shells, exploding in the heart of the city, not only demolished the buildings, but the iron missiles with which they were charged carried death and dismay in every direction. The bombardment was so disastrous that the consuls of Great Britain, France, Spain, and Russia, desired General Scott to grant a truce, to enable the neutrals, and the Mexican women and children, to abandon the city. To that communication General Scott replied, that he could not grant a truce, unless applied for by the governor of Vera Cruz, accompanied by a distinct proposition to surrender the city. He also informed them that the communication between the neutral ships of war lying in the vicinity of Vera Cruz was kept open to allow the neutrals in the city an opportunity for escape.

On the 26th, General Scott received overtures from General Landero for a suspension of hostilities, for the purpose of having honourable terms made with the garrison. This proposition was accepted, and the terms of capitulation were ratified on the 27th. It was agreed that the garrison should surrender them-

selves prisoners of war, the Mexican officers to preserve their arms and private effects, and, together with the rank and file of the regular portion of the prisoners, to give their parole not to serve again during the war, or until they were duly exchanged. With the city of Vera Cruz and San Juan de Ulloa were surrendered five thousand prisoners.

This achievement, accomplished as it was with comparatively a very small loss, was one of the most brilliant events of the Mexican war. The castle of San Juan de Ulloa was considered impregnable by Europeans, and was only taken by the French, a few years previous, by the accidental explosion of a magazine. To land upon a hostile shore, and to encircle the city of Vera Cruz, under the fire of her batteries, illustrated the military skill of General Scott, and the patient endurance and gallantry of the American troops. A new base of operations was thus obtained, which opened a short and direct line to the city of Mexico. The eminent skill and science of Colonel Totten, of the engineer corps, were admirably displayed in this siege, and contributed greatly to the success of the enterprise.

On the 6th of April, the American army took up its line of march for the city of Mexico. On the 17th, they met the first organized opposition at Plan del Rio. The Mexicans were intrenched in a formidable position, which was defended by a much larger force than General Scott expected to find there. The national road crosses a small, but very rapid stream, at the village of Plan del Rio. Near the village were several heights, upon which were planted batteries, that commanded the road for some distance, and rendered the position exceedingly formidable. General Scott at once determined to storm the batteries, and drive the enemy from their intrenchments, and issued his orders accordingly.

These orders were brilliantly executed. The assault under Pillow, whose command was ordered to charge before it was formed, was twice repulsed by the terrible fire from the Mexican batteries. The charge under Colonel Harney, up the steep and precipitous ascent, in the face of the Mexican guns, was a daring and brilliant affair, and resulted in driving the enemy, with great slaughter, from that part of the field. The orders issued to the division of Worth and Twiggs were executed with great gallantry, and the command of the latter general sustained considerable loss in executing his orders. About three thousand prisoners, with five generals and many other officers of rank, were some of

the fruits of this victory. The loss of the Americans, in killed and wounded, was about two hundred and fifty; that of the enemy, about three hundred and fifty. Among the American officers who were desperately wounded was General Shields. The pursuit of the enemy was rapidly continued in the direction of Jalapa. The rout of the Mexicans was complete. They dispersed in utter confusion, and the Americans soon after took possession of Jalapa and the strong fortress of Perote. At the latter place were captured fifty-four guns and mortars, eleven thousand sixty-five cannon balls, fourteen thousand three hundred bombs and hand-grenades, and five hundred muskets. A considerable portion of the troops under General Scott were volunteers, who had entered the service for a limited period, which being now about to expire, congress had passed a law for the reënlistment of such portions of them as were disposed to continue with the army; and strenuous efforts were made to induce them to remain. But they had seen enough of war. Notwithstanding their uninterrupted successes, they did not covet more of the glory of conquest. Fresh from the bosoms of their families, and from their peaceful firesides, and unused not merely to the hardships, but to the restraints and discipline, of a military life, they could brook them no longer. They served out their terms with the fidelity and devotion of veterans, enduring fatigue and hardship of every description, and fighting in the field or in the breach, in the assault or in the skirmish, with the cool bravery and determined, invincible courage of soldiers trained to war. But they were now free to depart with honour, and were quite willing to share the remaining laurels of the contest with the eager thousands at home who were panting to take their places in the field. In these circumstances, General Scott determined to discharge them at once, and to wait the arrival of the ten regiments of regulars, already ordered to be enlisted and organized for the war.

In order to lessen the growing expenses of the war, and thus silence some part of the clamours of the opposition, the president directed contributions to be levied upon the conquered country, for the support of the invading army. To this course both General Taylor and General Scott strenuously objected. They did not deny the military right, but they doubted the expediency, and even the practicability, of the measure. They felt that, in penetrating so far into the enemy's country, their only safety depended upon cultivating, as far as possible, the good

will of the people. They accordingly refrained from every act of individual oppression, and paid liberal prices for all the articles they required. Private property and private rights were every where respected. The property of the government, whenever it fell in their way, was freely appropriated. This course operated well for the army, who were never in want of any thing which the country afforded; while to multitudes of the Mexican farmers it was a golden harvest of rare occurrence.

At Washington, and throughout the United States, the war absorbed almost all other subjects. It gave a colour to all political action. All parties admired and applauded the gallant feats of the armies and their generals. The praises of Taylor and Scott, of Worth and Quitman, of Duncan, and Pierce, and Lally, and scores of others equally or more distinguished, were on every tongue. Still there was a powerful opposition to the war, and to the administration of Mr. Polk, as its authors and abettors. So powerful was this feeling, and so well had it been wrought upon, that a majority of the representatives elected to the thirtieth congress was opposed to the president. The twenty-ninth had not yet closed its session. Measures of great importance were proposed. But every thing was contested inch by inch. The progress of legislation was slow, and the movements of the army were consequently delayed. The employment of volunteers was not acceptable to the commanders, as they only enlisted for definite periods, and were liable to leave at the very moment when their services were most needed. The immediate raising of ten regiments of regular troops, to serve for the war, was urgently recommended. At the same time that measures were thus urged to prosecute the war, the president asked an appropriation of three millions, to be placed at his private disposal, evidently with a design to purchase a peace. To meet these heavy demands upon the treasury, three measures were devised. The first and easiest was a loan. The second — a vexed question — was the sale, at a very low minimum, of such of the public lands as had been long in the market. The third was the imposition of a war revenue upon some articles on the free list of the tariff. The ten regiments were raised, after long and wearisome discussion. The loan was ordered; but the other two measures died of debate.

In connection with the proposition to appropriate three millions to assist the president in negotiating a peace, a new difficulty arose. It was clearly seen that, notwithstanding the president's disavowal of such a

purpose, one of the great objects of the war party was the acquisition of a portion of the Mexican territory. This, being in a southern latitude, it was naturally supposed, would be claimed for slavery. The determination, on the part of the northern advocates for freedom, brought out that tough and unmanageable bone of contention, the "Wilmot Proviso." This was a simple amendment to the three million bill, proposed by Mr. David Wilmot, of Pennsylvania, prohibiting slavery in any of the territories that might be acquired as the result of the contemplated negotiations. This famous "Proviso" has made its humble author a very prominent man, and given him a world-wide distinction. And yet it is nothing more nor less than a proposition to extend over newly-acquired territories the provisions of an ordinance of sixty years standing—an ordinance framed by Jefferson, and supported, without opposition or division, by all the fathers of the constitution. But the southern interest, which has, from the beginning, monopolized the government, prevailed. The "Proviso" was rejected, and the question left open for further and more bitter agitation in a time of peace.

In the prospect, not very distant, of a new presidential election, the position of the two victorious generals in Mexico, both of whom were opposed in politics to the party then in power, was decidedly alarming to the administration. General Scott had shown some political aspirations already; and it was desirable, if possible, to dim the lustre of his name, by dividing the glory of the conquest of Mexico. This was first proposed to be done by the creation of a new grade in the army, to take rank of all others, under the title of lieutenant-general. Colonel Benton, of Missouri, was the prominent and only candidate for this distinction. No possible motive, other than a personal one, could be assigned for this measure. General Scott's courage, skill, and consummate ability were unquestioned and unquestionable. He had accomplished whatever he had undertaken. He had done more and better than his instructions had demanded of him. There was not a man from Maine to Texas who would have risked his reputation upon the assertion that Colonel Benton, or any other inexperienced man in the country, could finish what Scott had begun better than he could do it himself. In such a crisis, to supersede all the experienced and tried officers in the army, by the arbitrary elevation of a mere civilian to the supreme command, would have been either to woo and insure defeat, or

to turn the whole matter of the war into a broad farce. Fortunately, the good sense of the people prevailed, and the anomalous measure was defeated.

A second attempt was made to obtain the same end, by ingrafting on a bill for the increase of the number of general officers in the army a provision, that the president should be authorized to place any one of them, without regard to rank, in command of the army in Mexico. But this met with the same opposition, and shared the same fate as the other. Thus it was not without reason that General Scott apprehended "a fire in his rear," when he undertook the command of the army.

The disasters of Vera Cruz and Cerro Gordo had not exhausted the resources of Santa Anna, nor entirely broken the spirits of the Mexicans. The president-general with difficulty escaped capture, and, with a few companions, after two or three days and nights of solitary wandering and romantic adventure among the mountain passes and secluded valleys of that alpine region, arrived at the city of Orizaba. Here he was received with great enthusiasm, and immediately set himself to devising measures to retrieve his lost fortunes. This he would have had no time to do, if General Scott had vigorously pursued his advantages. But his determination to discharge a large portion of the volunteers, and wait the arrival of recruits,—which was doubtless a prudent and commendable exercise of "the better part of valor,"—afforded ample time for the discomfited Mexican to arouse his countrymen to renewed exertions, and to convince them of the possibility of yet driving back the invaders.

During this state of inactivity and mutual preparation, a commissioner from the United States government, authorized to treat for peace, arrived at Vera Cruz. A more singular and injudicious appointment was probably never made, under circumstances so grave. Mr. N. P. Trist was simply a clerk in the state department at Washington, having neither position, experience, nor talent, to qualify him for so important a diplomatic mission. He was scarcely known out of Washington. His name had never been heard in Mexico. It is impossible to imagine a reason for the selection of such a man, unless it was intended as a deliberate insult both to the Mexican nation and to the commanding general of the American army. General Scott received the commissioner with a marked coldness, which seriously offended the dignity of that functionary. The following letter to the secretary of

war will serve, not only to indicate the feelings of General Scott on this occasion, but to show the true military aspects of the whole transaction :—

“ Mr. Trist arrived here on the 14th instant. He has not done me the honour to call upon me. Possibly he has thought the compliment of a first visit was due to him !

“ When I wrote to you and Mr. Trist, late in the night of the 7th instant, to go down by a detachment of horse that I was obliged to despatch early the next morning, I had not time to defend the position you had forced me to assume ; I shall now but glance at that position. The Hon. Mr. Benton has publicly declared, that if the law had passed making him general-in-chief of the United States armies in Mexico, either as lieutenant-general, or as junior major-general over seniors, the power would have been given him not only of agreeing to an armistice, (which would, of course, have appertained to his position,) but the much higher power of concluding a treaty of peace ; and it will be remembered, also, that in my letter to Major-General Taylor, dated June 12, 1846, written at your instance, and, as I understood at the time, approved by the cabinet, his power to agree to an armistice was merely adverted to in order to place upon it certain limitations. I understand your letter to me of the 14th ultimo as not only taking from me, the commander of an army under the most critical circumstances, all voice or advice in agreeing to a truce with the enemy, but as an attempt to place me under the military command of Mr. Trist ; for you tell me that, ‘ should he make known to you, in writing, that the contingency has occurred in consequence of which the president is willing that further active military operations should cease, you will regard such notice as a direction from the president to suspend them until further orders from this department.’

“ That is, I am required to respect the judgment of Mr. Trist here, on passing events purely military, as the judgment of the president, who is some two thousand miles off !

“ I suppose this is to be the second attempt of the kind ever made to dishonour a general-in-chief in the field, before or since the time of the French convention.

“ That other instance occurred in your absence from Washington, in June, 1845, when Mr. Bancroft, acting secretary of war, instructed General Taylor in certain matters to obey the orders of Mr. Donaldson, chargé

d'affaires in Texas ; and you may remember the letter that I wrote to General Taylor, with the permission of both Mr. Bancroft and yourself, to correct that blunder.

“ Whenever it may be the pleasure of the president to instruct me, directly or through any authorized channel, to propose or to agree to an armistice with the enemy, on the happening of any given contingency or contingencies, or to do any other military act, I shall most promptly and cheerfully obey him ; but I entreat to be spared the personal dishonour of being again required to obey the orders of the chief clerk of the state department as the orders of the constitutional commander-in-chief of the army and navy of the United States.

“ To Mr. Trist, as a functionary of my government, I have caused to be shown, since his arrival here, every proper attention. I sent the chief quartermaster and an aid-de-camp to show him the rooms I had ordered for him. I have caused him to be tendered a sentinel, to be placed at his door and to receive his orders. I shall from time to time send him word of my personal movements, and I shall continue to show him all other attentions necessary to the discharge of any diplomatic functions with which he may be intrusted.”

This letter called forth from the war department a very strong and pungent reply. The secretary observes in relation to the letter respecting the mission of Mr. Trist, “ The president would not have deemed it proper that I should advert again to this subject, but for the apprehension he has that your course may obstruct the measures he has taken to procure a peace. It does not appear, from any communication made by you to this department, that you have executed or attempted to execute the order which you have received to forward the despatch from the secretary of state addressed to the Mexican secretary of foreign affairs. The president is, however, unwilling to believe that you have not done your duty in this respect. If it has not been sent, he presumes that you have not been able to send it, and that you will, in due time, explain the causes which compelled you to detain it.

“ My letter, taken by itself, neither sustains nor excuses such an interpretation as you have given to it ; and, taken in connection with the facts which Mr. Trist was directed to communicate to you, and which it was expected would have been communicated with that letter, shows how idle it is to imagine that there was any attempt to place you ‘ under the military

command of Mr. Trist,' or that you were 'required to respect the judgment of Mr. Trist here, (in Mexico,) on passing events purely military, as the judgment of the president, who is some two thousand miles off.' The respect due to yourself, as well as that due to the president, who had placed you in chief command of our armies in Mexico, should have made you extremely reluctant to adopt such a conclusion, even on adequate proof of the fact; and to me it seems, as I am sure it will appear to others, strange indeed that you have been able to extract any such inference from my letter. You and Mr. Trist are both functionaries of the government of the United States, with important public interests confided to each in his respective sphere of action: cordial coöperation was expected; duty imposed it; the public good, the cause of humanity, demanded it. If there has been a failure in this respect, — and from the tenor of your despatch the president fears that there has been, — a high responsibility rests somewhere.

"In relation to the direction for an armistice, or the suspension of hostilities, the president, after duly considering all you have said on the subject, does not doubt that it was an order proper and right for him to give, and consequently one which you were bound to obey. He sincerely regrets your strange misapprehension of it; and he is wholly unable to conceive how you can reconcile with duty and subordination the making of it a topic of remark, I may say of incidental reproof, of your common superior, in an official communication to a subordinate officer in another branch of the public service."

Mr. Trist continued with the army in its marches, and finally had an opportunity, after General Scott had "conquered a peace," and taken possession of strongholds, palaces, and citadels, to negotiate a treaty with the vanquished. In doing this, he transcended his orders, lost the confidence of the president and his cabinet, and fully confirmed, to the nation and the world, General Scott's estimate of his fitness for the place to which he was so singularly elevated.

Soon after his arrival at Jalapa, General Scott addressed a proclamation to the people of Mexico, setting forth the causes of the war, the true state of the belligerents, the utter hopelessness of further resistance on their part, and his wish, if possible, to prevent the further effusion of blood, and bring his work to a close without the necessity of fighting his way up to the "halls of the Montezumas." It is an admirable document, and worthy of preservation.

"The General-in-chief of the Armies of the United States of America to the Mexican Nation."

"MEXICANS: The late events of the war, and the measures adopted in consequence by your government, make it my duty to address you, in order to lay before you truths of which you are ignorant, because they have been criminally concealed from you. I do not ask you to believe me singly on my word, — though he who has not been found false has a claim to be believed, — but to judge for yourselves of these truths, from facts within the view and scrutiny of you all.

"Whatever may have been the origin of this war, which the United States were forced to undertake by insurmountable causes, we regard it as an evil. War is ever such to both belligerents; and the reason and justice of the case, if not unknown on both sides, are in dispute, and claimed by each. You have proof of this truth, as well as we; for in Mexico, as in the United States, there have existed, and do exist, two opposite parties — one desiring peace; another, war.

"Governments, however, have sacred duties to perform, from which they cannot swerve; and these duties frequently impose, from national considerations, a silence and a reserve that displease, at times, the majority of those who, from views purely personal or private, are found in opposition; to which governments can pay little attention, expecting the nation to repose in them the confidence due to a magistracy of its own selection.

"Considerations of high policy and of continental American interests precipitated events, in spite of the circumspection of the cabinet at Washington. This cabinet, ardently desiring to terminate all differences with Mexico, spared no efforts compatible with honour and dignity. It cherished the most flattering hopes of attaining this end by frank explanations and reasonings addressed to the judgment and prudence of the virtuous and patriotic government of General Herrera. An unexpected misfortune dispelled these hopes, and closed every avenue to an honourable adjustment. Your new government disregarded your national interests as well as those of continental America, and yielded, moreover, to foreign influences the most opposed to those interests — the most fatal to the future of Mexican liberty, and of that republican system which the United States hold it a duty to preserve and to protect. Duty, honour, and dignity placed us under the necessity of not losing a season of which the monarchical party was fast taking advantage. As not a moment was to

be lost, we acted with a promptness and decision suited to the urgency of the case, in order to avoid a complication of interests which might render our relations more difficult and involved.

"Again: in the course of civil war, the government of General Paredes was overthrown. We could not but look upon this as a fortunate event, believing that any other administration, representing Mexico, would be less deluded, more patriotic, and more prudent; looking to the common good, weighing probabilities, strength, resources, and, above all, the general opinion as to the inevitable results of a national war. We were deceived — as perhaps you, Mexicans, were also deceived — in judging of the real intentions of General Santa Anna, whom you recalled, and whom our government permitted to return.

"Under this state of things, the Mexican nation has seen the results lamented by all, and by us most sincerely; for we appreciate, as is due, the valour and noble decision of those unfortunate men who go to battle, ill conducted, worse cared for, and almost always enforced by violence, deceit, or perfidy.

"We are witnesses — and we shall not be taxed with partiality, as a party interested, when we lament with surprise — that the heroic behaviour of the garrison of Vera Cruz, in its valiant defence, has been aspersed by the general who had just been routed and put to shameful flight at Buena Vista, by a force far inferior to his own; that the same general rewarded the insurgents of the capital, — promoters of civil war, — and heaped outrage on those who had just acquired for themselves singular distinction by a resistance beyond expectation, and of admirable decision.

"Finally, the bloody event of Cerro Gordo has plainly shown the Mexican nation what it may reasonably expect, if it longer continues blind to its real situation — a situation to which it has been brought by some of its generals, whom it has most distinguished, and in whom it has most confided.

"The hardest heart would have been moved to grief, in contemplating any battle-field of Mexico, a moment after the last struggle. Those generals whom the nation has paid, without service rendered, for so many years, have, in the day of need, with some honourable exceptions, but served to injure her by their bad example or unskilfulness. The dead and wounded on those fields received no marks of military distinction, sharing alike the sad fate which has been the same from Palo Alto to Cerro Gordo; the dead remained unburied, and the wounded abandoned to the clemency and charity of

the victor. Soldiers who go to battle, knowing they have such reward to look for, deserve to be classed with the most heroic; for they are stimulated by no hope of glory, nor remembrance, nor a sigh — not even a grave.

"Again: contemplate, honourable Mexicans, the lot of peaceful and industrious citizens in all classes of your country. The possessions of the church menaced, and presented as an allurement to revolution and anarchy; the fortunes of rich proprietors pointed out for the plunder of armed ruffians; the merchant and the mechanic, the husbandman and the manufacturer, burdened with contributions, excises, monopolies, duties on consumption, and surrounded by officers and collectors of these odious internal customs; the man of letters and the legislator; the freeman of knowledge, who dares to speak, persecuted, without trial, by some faction, or by the very rulers who abuse their power; and criminals, unpunished, are set at liberty, as were those of Perote. What, then, Mexicans, is the liberty of which you boast?

"I will not believe that Mexicans of the present day want the courage to confess errors which do not dishonour them, or to adopt a system of true liberty — one of peace and union with their brethren and neighbours of the north.

"Neither can I believe Mexicans ignorant of the infamy of the calumnies put forth by the press, in order to excite hostility against us. No; public spirit cannot be created nor animated by falsehood. We have not profaned your temples, nor abused your women, nor seized your property, as they would have you believe. We say it with pride, and we confirm it by an appeal to your bishops and the curates of Tampico, Tuzpan, Matamoras, Monterey, Vera Cruz, and Jalapa; to all the clergy, civil authorities, and inhabitants of all the places we have occupied.

"We adore the same God; and a large portion of our army, as well as of the people of the United States, is Catholic, like yourselves. We punish crime wherever we find it, and reward merit and virtue.

"The army of the United States respects, and will ever respect, private property of every class, and the property of the Mexican church. Woe to him who does not — where we are.

"Mexicans: the past is beyond remedy, but the future may yet be controlled. I have repeatedly declared to you that the government and people of the United States desire peace — desire your sincere friendship. Abandon, then, state prejudices; cease to be the sport

of private ambition, and conduct yourselves like a great American nation. Abandon at once those old colonial habits, and learn to be truly free—truly republican. You may then soon attain prosperity and happiness, of which you possess all the elements; but *remember that you are Americans*, and that your happiness is not to come from Europe.

“I desire, in conclusion, to say to you, with equal frankness, that, were it necessary, an army of one hundred thousand Americans would soon be among you; and that the United States, if forced to terminate by arms their differences with you, would not do it in an uncertain or precarious, or still less in a dishonourable manner. It would be an insult to the intelligent people of this country to doubt their knowledge of our power.

“The system of forming guerilla parties to annoy us will, I assure you, produce only evils to this country, and none to our army, which knows how to protect itself, and how to proceed against such cutthroats; and if, so far from calming resentments and passions, you try to irritate, you will but force upon us the hard necessity of retaliation. In that event, you cannot blame us for the consequences which will fall upon yourselves.

“I shall march with this army upon Puebla and Mexico. I do not conceal this from you. From those capitals I may again address you. We desire peace, friendship, and union; it is for you to choose whether you prefer continued hostilities. In either case, be assured I will keep my word.

HEAD-QUARTERS OF THE ARMY, }
JALAPA, May 11, 1847.” }

This proclamation of General Scott was highly commended by all parties in the United States, and was received with great favour by a large portion of the people of Mexico, who would have yielded at once to its generous suggestions, if they had been free to act for themselves. They were entirely in the power of their military leaders. The secretary of war thus commended the proclamation:—

“I have received and laid before the president the copy of your proclamation to the Mexican nation of the 11th of May. The considerations you have presented to the people of Mexico, as inducements to them to wish for peace and to concur in measures for the accomplishment of that desirable object, are well selected and ably enforced. As it could not have been your design to enter into a full discussion of the causes which led to the war, it is not to be taken as an authoritative

exposition of the views of the executive in this respect; but he regards it as a document containing ‘topics and sentiments the most likely to find a response in the bosoms of the Mexicans, and to promote the cause of justice, moderation, and peace.’ Such were properly the scope and end of the proclamation, and most ably have they been carried out.”

Señor Auvaya was now president of Mexico *ad interim*. The Mexican congress was in session. So excited and exasperated were they, on receiving tidings of the disastrous issue of the battle of Cerro Gordo, that they “passed many violent decrees, breathing war to the uttermost against the United States; declaring that the executive should have no power to conclude a treaty, or even an armistice, and denouncing as a traitor any Mexican functionary who should entertain either proposition.” While the punishment of treason was thus proclaimed against any one who should presume to speak of peace, the executive officers were endowed with extraordinary powers for the prosecution of the war. The greatest activity prevailed. The guerilla system was strongly recommended and fostered. A levy *en masse* was ordered, the capital was declared in a state of siege, and great preparations were made to put the fortifications of the city in the best possible condition of defence.

Such being the temper of the existing government and the capital, it required something more than the issuing of a proclamation by General Scott, or the waving of an olive-branch by Mr. Trist, to restore the nation to its right mind.

Preparations for an advance upon the capital of Mexico were at length completed, and, on the 8th of May, General Worth took up his line of march from Perote. On the 15th he arrived at Puebla, and took possession of the city without resistance. General Santa Anna had arrived there but a few days before, expecting to find supplies of money, ammunition, arms, and men, and resolved to make another stand in defence of the passage to the capital. To his dismay, however, he found no preparations for defence, no means to employ for that purpose, and no spirit in the people to second his design. Forcible exactions were attempted, but without success. Ten thousand dollars were all he could obtain, even by force. It is due to Santa Anna to say, that he did what he could to induce, and even to compel, the place to make a stand. But there were absolute terror and perfect apathy with the people, and with the governor, Don Rafael Inzunza, a full conviction that defence was impossible in the then state

of the city. Santa Anna was requested to evacuate, and leave the place to the mercy of the invaders.

Resolved, if possible, to do something to annoy the enemy, and attach some little *éclat* to his own position, Santa Anna attempted to surprise and cut off the American advance. Throwing forward a strong body of horse, by a circuitous and concealed route, to occupy the height of Chacapa, which overlooks the town of Amozoc, he thought to place himself between the two divisions of the American advance, of which General Worth led the van and General Quitman the rear. But Worth was too quick for him. He was already at Amozoc, though unaware of his approach. Instead of surprising his enemy, however, Santa Anna was himself surprised, and driven back with considerable loss. General Worth was not aware of the designs of the Mexican, until the head of his column was seen winding along the mountain side, and endeavoring to conceal itself in the thickets, the object being to pass Amozoc, attack Quitman, and thus compel Worth to fall back. Not knowing the intentions of the enemy, or what force he had to contend with, General Worth immediately threw the guns of the siege train into battery at the angles of the plaza of the village, and sent out corps of observation by different routes. Supposing, from their movements, that the enemy had Quitman's corps in view, he sent a detachment, under Colonel Garland, in that direction. On passing out of the village, a long column of lancers was seen moving rapidly down on the right. Their number was afterwards ascertained to be three thousand, unsupported by infantry or artillery. When the head of the column reached a point opposite the centre of the town, the batteries opened a rapid and effective fire. A few rounds sufficed to break and scatter the column. Flying up the sides of the hills, it soon after reunited, and resumed its march in the same direction as before. The 2d artillery and 8th infantry, with two sections of the light batteries, were put upon its track, when suddenly it swerved to the left, and disappeared among the hills. Retreating by the slope of the Malinche, and traversing, with great difficulty and fatigue, a portion of country which was every where broken by deep gullies, or tangled with almost impenetrable thickets, they arrived, a little before sunset, at Puebla, weary, dispirited, and their numbers somewhat reduced. General Santa Anna led this enterprise in person.

The result of this adventure tended in no way to rouse the authorities of Puebla to measures of resistance or defence; and General Santa Anna, after seizing

all the horses he could find for the use of his cavalry, left the city early the next morning, continuing his retreat towards Mexico. The same day, the 15th of May, General Worth entered the city, the authorities having come out three miles to meet him, and make arrangements for the capitulation.

Santa Anna now fixed his head-quarters, temporarily, at the village of St. Martin Teamalucan, about twenty-five miles from Mexico. His recent defeats had lost him the confidence and favour of the people to a great extent. A new election, or, rather, an attempt at an election, had just passed, resulting in no choice. This left the general still in power, till a new election. Having, by great exertions, increased the force of the army, so as to make a fair show of power and resolution, he hastened to the capital, to see what could be done there to reestablish himself with the people. The city was distracted with contending factions. The government was a mere name, a shadow, under which unprincipled men sought to accomplish their private ends. Santa Anna, possessed of the extraordinary powers so recently conferred by congress, seized his personal enemies, and shut them up in prison, or assigned them to distant service. Almonte was incarcerated at San Jago, and Arista at Acapulco. Bustamante was ordered to Sinaloa, and Ampudia to Cuernavaca. This done, Santa Anna resigned the presidency, on the 29th of May. His example was soon followed by several generals, the veteran Bravo at their head, and all appeared in irretrievable confusion.

Having thus "sacrificed himself for the public good," and lain four days upon the altar, exposed to the admiration of the people and the army, who knew not which way to look for a leader, he rose, suddenly, on the 2d of June, withdrew his resignation, on which congress had taken no action, and resumed the dictator. The Mexicans were once more roused to vigorous action. Reënforcements to the army were rapidly concentrating, and the work of fortifying the city at every point was pushed with the greatest energy. Battalion after battalion poured in from the different cities and states of the republic; each sent its guns for the defence; while many more were in the process of casting, at a newly-established foundery near the capital; so that, by the end of June, the dictator found himself at the head of twenty-five thousand men, with sixty pieces of artillery.

The reënforcements did not arrive as fast as General Scott expected, and he was detained in a state of "masterly inactivity" nearly all summer. Impatient

of the long delay, and knowing the heavy force already collecting about the capital of Mexico, he thought it best to concentrate his own forces. He accordingly, on the 3d of June, ordered up the garrison from Jalapa to Puebla, keeping possession of the castle of Perote, for the accommodation of the sick. This left the whole route from Perote to Vera Cruz unguarded, and open to the enemy. Parties of guerillas were skulking about in all directions, to cut off stragglers from the army, and to plunder the trains on their way to headquarters. These banditti were now well organized, having a secret understanding with the dictator. Colonel Cenobio, a notorious chief among them, held his rendezvous near Mango de Clavo, the magnificent hacienda of Santa Anna. Serious losses were incurred in this way by the Americans, and many valuable lives were sacrificed. On the 4th of June, Colonel McIntosh marched from Vera Cruz, with a train of one hundred and twenty-eight wagons, and a command of two companies of mounted and one of dismounted dragoons, and six of infantry. General Cadwallader followed him, on the 8th, with about five hundred men, and two mountain howitzers. On the 10th, he overtook McIntosh, both having been greatly annoyed by the guerilleros, who amused themselves by firing at a long range from behind the shelter of rock, or tree, or mound, and then retiring from pursuit. They also succeeded in robbing some of the wagons. On the 11th, the train arrived at the National Bridge, which spans the Rio de la Antigua, a few miles below Cerro Gordo. Here the enemy was found to be in considerable force, having possession of the bridge, and of the surrounding heights. The position was strong and well posted. It was near night, and the full force of the enemy was not seen. Cadwallader ordered an instant charge by a detachment of dragoons, at the same time bringing his howitzers to bear. When the dragoons reached the middle of the bridge, the hills on either side were suddenly lighted up by the flash of five hundred muskets. The dragoons were thrown into confusion, recoiled, and seemed about giving way, but immediately rallied under the voice and example of their commander, Lieutenant Maury, and carried the point. Had the Americans been in the position of the Mexicans, there would not have been a man left to tell how the adventure fared. The American soldiers take sure aim in fighting, which soon decides a conflict. The Mexicans generally fire at random, as if the flash and the noise were to frighten the enemy, or the lead to find its own way to his heart.

A temporary barricade, which had been thrown across the road, was instantly carried, and, the infantry coming up to the support of the dragoons, the enemy were dislodged, and driven back in great disorder. The Americans lost, in this affair, thirty-two men in the ranks, besides a considerable number of drivers, and other persons attendant upon the train. On the 13th, the march was resumed, the enemy hovering on its flanks all the way to Jalapa, and firing from the thickets, and from behind the rocks, inflicting a severe loss both in men and animals.

At the pass of La Hoya a similar reception was prepared for the train. The heights commanding the pass were occupied by guerilleros, and the passage was fiercely disputed, but carried without much loss. Joined by Colonel Childs at Jalapa, the train moved on to Perote, and awaited the arrival of General Pillow, who left Vera Cruz on the 17th, with fifteen hundred men. Though annoyed, in all its march, by small parties of skulking guerilleros, and threatened with serious opposition at the pass of El Pinal, the column reached Puebla on the 8th of July. By these accessions, General Scott's force was increased to more than ten thousand. General Pierce, who left Vera Cruz on the 19th of July, with a command of three thousand men, reached headquarters, at Puebla, early in August, having encountered the same difficulties and dangers with those who preceded him, and having lost, by the guerillas and by disease, nearly five hundred of his men.

By the 6th of August, the army was ready to commence its march on Mexico. Just at this moment, a communication was received, through secret agents, from the president-general of Mexico, of a character so singular, that, had it purported to come from any other man in the wide world, it would have been regarded as a forgery. But, as nothing in the way of duplicity, cunning, or treason, was out of character with Santa Anna, it was received as a genuine proposal, and treated as such. It suggested that, as the Mexicans relied upon their defences and their army of thirty-six thousand men, and felt confident of being able to annihilate the Americans on their approach to the city, the only hope of securing a peace was in once more attacking and carrying some of their strongholds. It accordingly proposed that General Scott should march into the valley with his whole force, assault and carry one of the outworks of the Mexican line of defence, its sworn defender conniving at and permitting it; and then, in the moment of gaining so signal an advantage, send in a flag of truce, and offer to negotiate. A previous prop-

osition had been made to purchase a peace, by placing at the private disposal of the "invincible" Mexican a million of dollars. The desire to spare the effusion of blood was all that induced the American commander to listen to such proposals. He knew the character he had to deal with, and was as willing to buy the man who was willing to be sold, as to fight the man who, for a price, could secretly consent beforehand to be beaten. There was a division in the council in respect to these propositions. So little confidence was reposed in the integrity of Santa Anna, that no one was willing to risk even a delay of action upon the responsibility of his word. Yet all were desirous of accomplishing the great end of the war, by peaceable means if they could. General Scott was strongly inclined to meet the propositions as they rose, but could not bring himself to consent, after a partial victory, to seem to sue for peace. The result was a sort of non-committal answer, which left both parties free to act according to their own subsequent views of duty and interest.

The crisis of the war was now at hand. The capital of Mexico, the first and oldest city in the western world, the jewel of Central America, was about to be attacked—a city of one hundred and eighty thousand inhabitants, remarkably well situated for defence, and defended, at every assailable point, by fortifications deemed absolutely impregnable, and guarded by a well-appointed army of more than three times the force of the assailants. The contest was one of the most unequal that ever was waged. That of Cortez with Montezuma, in the same beautiful valley, three hundred and fifty years before, was scarcely more rash and daring. He had horses and fire-arms, which were wholly unknown to the Aztecs, and against which their simple arrows and their naked bodies were no defence. He had, also, the friendship and assistance of powerful tribes of natives, the natural enemies of Montezuma. The Americans had no such advantage. Every thing was against them but their own indomitable courage, and the very exigency of their case. They well knew that victory or annihilation were their only alternatives. A single defeat would have been their instant ruin. If they had faltered or given way at a single point, it would have nerved every arm in Mexico to resist and exterminate them. The doubtful and timid would have become bold as lions. Those who had been disposed, from fear or advantage, to show them respect, or to supply their wants, would have combined *en masse*, to crush them; all factions, and all leaders, would have united,

each vying with the other to immolate, on the altar of their country, the greatest possible number of their ruthless invaders. Under these circumstances, the American army took up their last line of march, and entered the valley on the 10th of August. The headquarters of the commander-in-chief were fixed at Ayotla, a small village on the north-eastern angle of Lake Chalco.

An extraordinary energy seemed to have taken possession of the Mexican troops. A determination to resist to the last extremity appeared to govern them all. Those persons who had hitherto been anxious for the establishment of peace now hesitated to utter their sentiments, and all seemed resolved to vindicate the honour of their country. Fortifications were repaired, cannon cast, and powder manufactured with great industry. The plan of operations adopted by Santa Anna was, to await the attack of the Americans in his intrenchments, while the army of the north, under General Valencia, composed of the flower of the Mexican troops, was ordered to assail the invaders in the rear. The first barrier to the advance of General Scott was the truly formidable position of El Peñon. This was a lofty hill, on the southern shore of Lake Tezcuco, strongly fortified, and commanding the great thoroughfare leading to the city. On the southern line of the city were the fortifications of Mexicalcingo, San Antonio, the Convent, and the bridge of Churubusco. Its south-western side was defended by the fortress of Chapultepec. The north, from whence no danger of attack could be apprehended, was only protected by three garitas; while the eastern part, where it was supposed the Americans would make the most formidable demonstration, was defended by El Peñon. On the 9th of August, the brigade of General Leon marched out of the city, for the purpose of covering that fortification. Santa Anna himself visited it, for the purpose of giving his final orders for its defence.

On the 12th, a daring and successful *reconnaissance* of El Peñon was effected. As the party approached, a Mexican, in the proud confidence that the place was absolutely impregnable, jumped upon the parapet, and shouted defiance to the invaders. On the 13th, a detachment, under the command of Brigadier-General Smith, ventured into the narrow valley beyond El Peñon, to reconnoitre Mexicalcingo. This was the most daring *reconnaissance* of the whole war. To accomplish it, a handful of men were obliged to traverse a narrow pass between two of the most formidable of the enemy's strongholds, where they were in the most

imminent danger of being shut up between two fires, without the possibility of an escape. The adventure was ably and successfully conducted. The two great outposts of the city were declared to be impregnable, and consequently the ordinary route to its gates was impracticable. The army was encamped, in divisions, in several small villages along the northern and eastern shores of Lake Chalco. Lieutenant-Colonel Duncan having volunteered to reconnoitre the road around the southern shore of that lake, and found it practicable, the whole army was put in motion on the 15th, with a view to reach the capital by its southern approach, and thus avoid the necessity of carrying those formidable outposts in the northern valley. The southern line of defence was by no means feebly fortified. It consisted of several points, no one of them, except San Antonio, to be compared to El Peñon or Mexicalcingo, but altogether presenting an appalling barrier to so small an army. San Antonio, Contreras, San Angel, Churubusco, Tacubaya, Molino del Rey, and Chapultepec, were each in succession to be carried, before they could reach the city, which, with their ranks thinned, and their strength exhausted by so many hard-fought battles, might prove the most difficult conquest of all. The events of the first few days that followed this movement will be given in the language of General Scott's official report to the war department. If it seem partial and one sided, it will have, at least, the advantage of coming fresh from the pen of one who ought to have known every circumstance accurately, and whose successes were so brilliant and uninterrupted, that he could well afford to allow to his enemy every advantage which they could with any propriety claim; and, as it details the actions, and applauds the gallantry of his officers and men, it is wholly free from that distasteful egotism which usually characterizes the narratives of personal exploits. It commences at San Augustin, the last unfortified village on the south-western border of Lake Xochimilco.

"Arriving here on the 18th, Worth's division and Harney's cavalry were pushed forward a league, to reconnoitre, and to carry or to mask San Antonio, on the direct road to the capital. This village was found strongly defended by field-works, heavy guns, and a numerous garrison. It could only be turned by infantry to the left, over a field of volcanic rocks and lava; for, to our right, the ground was too boggy. It was soon ascertained, by the daring engineers, Captain Mason and Lieutenants Stevens and Tower, that he point could only be approached, by the front, over

a narrow causeway, flanked with wet ditches of great depth. Worth was ordered not to attack, but to threaten and to mask the place.

"The first shot fired from San Antonio, on the 18th, killed Captain S. Thornton,* 2d dragoons, a gallant officer, who was covering the operations with his company.

"The same day, a *reconnaissance* was commenced to the left of San Augustin, first over difficult mounds, and farther on, over the same field of volcanic rocks and lava, which extends to the mountains, some five miles from San Antonio towards Magdalena. This *reconnaissance* was continued by Captain Lee, assisted by Lieutenants Beauregard and Tower, all of the engineers; who were joined, in the afternoon, by Major Smith, of the same corps. Other divisions coming up, Pillow's was advanced to make a practicable road for heavy artillery, and Twiggs's thrown farther in front, to cover that operation; for, by the partial *reconnaissance* of yesterday, Captain Lee discovered a large corps of observation in that direction, with a detachment of which his supports of cavalry and foot under Captain Kearney and Lieutenant-Colonel Graham, respectively, had a successful skirmish.

"By three o'clock this afternoon, the advanced divisions came to a point where the new road could only be continued under the direct fire of twenty-two pieces of the enemy's artillery, most of them of large calibre, placed in a strong intrenched camp, to oppose our operations, and surrounded by every advantage of ground, besides immense bodies of cavalry and infantry, hourly reënforced from the city, over an excellent road beyond the volcanic field, and consequently entirely beyond the reach of our cavalry and artillery.

"Arriving on the ground an hour later, I found that Pillow's and Twiggs's division had advanced to dislodge the enemy, picking their way (all officers on foot) along his front, and extending themselves towards the road, from the city and the enemy's left. Captain Magruder's field battery, of twelve and six-pounders, and Lieutenant Callender's battery of mountain howitzers and rockets, had also, with great difficulty, been advanced within range of the intrenched camp. These batteries, most gallantly served, suffered much, in the course of the afternoon, from the enemy's superior metal.

"The battle, though mostly stationary, continued

* The same officer who had been the first victim of the war near Matamoras, where he was surprised and taken prisoner.

to rage, with great violence, until nightfall. General P. F. Smith's and Colonel Riley's brigades, supported by Generals Pierce and Cadwallader's brigades, were more than three hours under a heavy fire of artillery and musketry, along the almost impassable ravine in front and to the left of the intrenched camp. Besides the twenty-two pieces of artillery, the camp and ravine were defended closely by masses of infantry, and these again supported by clouds of cavalry at hand and hovering in view. Consequently, no decided impression could be made by daylight on the enemy's most formidable position, because, independent of the difficulty of the ravine, our infantry, unaccompanied by cavalry and artillery, could not advance in column without being mowed down by the grape and canister of the batteries, nor advance in line without being ridden over by the enemy's numerous cavalry. All our corps, however, including Magruder's and Callender's last batteries, not only maintained the exposed positions early gained, but all attempted charges upon them, respectively, — particularly on Riley, twice closely engaged with cavalry in greatly superior numbers, — were repulsed and punished.

"From an eminence, soon after arriving near the scene, I observed the church and hamlet of Contreras, (or Ansalda,) on the road leading up from the capital, through the intrenched camp, to Magdalena; and seeing, at the same time, the stream of reinforcements advancing by that road from the city, I ordered Colonel Morgan, with his regiment, till then held in reserve by Pillow, to move forward, and to occupy Contreras, (or Ansalda,) being persuaded, if occupied, it would arrest the enemy's reinforcements, and ultimately decide the battle.

"Riley was already on the enemy's left, in advance of the hamlet. A few minutes later, Brigadier-General Shields, with his volunteer brigade, coming up, under my orders, from San Augustin, I directed Shields to follow and to sustain Morgan. These corps, over the extreme difficulties of ground — partially covered with a low forest — before described, reached Contreras, and found Cadwallader's brigade in position, observing the formidable movement from the capital, and much needing the timely reinforcement.

"It was already dark, and the cold rain had begun to fall in torrents upon our unsheltered troops; for the hamlet, though a strong defensive position, can hold only the wounded men, and, unfortunately, the new regiments have little or nothing to eat in their haversacks. Wet, hungry, and without the possibility of sleep, all

our gallant corps, I learn, are full of confidence, and only wait for the last hour of darkness, to gain the positions whence to storm and carry the enemy's works.

"The morning of the 20th opened with one of a series of unsurpassed achievements, all in view of the capital, and to which I shall give the general name *battle of Mexico*.

"In the night of the 19th, Generals Shields, P. F. Smith, and Cadwallader, and Colonel Riley, with their brigades, and the 15th regiment, under Colonel Morgan, detached from General Pierce, found themselves in and about the important position, the village, hamlet, or *hacienda*, called, indifferently, Contreras, Ansalda, San Geronimo, half a mile nearer to the city than the enemy's intrenched camp, on the same road, towards the factory of Magdalena.

"That camp had been, unexpectedly, our formidable point of attack the afternoon before, and we had now to take it, without the aid of cavalry or artillery, or to throw back our advanced corps upon the road from San Augustin to the city, and thence force a passage through San Antonio.

"Accordingly, to meet contingencies, Major-General Worth was ordered to leave, early in the morning of the 20th, one of his brigades to mask San Antonio, and to march, with the other, six miles, via San Augustin, upon Contreras. A like destination was given to Major-General Quitman and his remaining brigade in San Augustin, replacing, for the moment, the garrison of that important depot with Harney's brigade of cavalry, as horse could not pass over the intervening rocks to reach the field of battle.

"Shields, the senior officer at the hamlet, having arrived in the night, after Smith had arranged with Cadwallader and Riley the plan of attack for the morning, delicately waived interference, but reserved to himself the double task of holding the hamlet, with his two regiments, (South Carolina and New York volunteers,) against ten times his numbers on the side of the city, including the slopes to his left, and, in case the camp in his rear should be carried, to face about and cut off the flying enemy.

"At 3 o'clock A. M., the great movement commenced on the rear of the enemy's camp, Riley leading, followed successively by Cadwallader's and Smith's brigades, the latter temporarily under the orders of Major Dimick of the 1st artillery; the whole force being commanded by Smith, the senior in the general attack, and whose arrangements, skill, and gallantry always challenge the highest admiration.

"The march was rendered tedious by the darkness, rain, and mud; but, about sunrise, Riley, conducted by Lieutenant Tower, engineer, had reached an elevation behind the enemy, whence he precipitated his columns, stormed the intrenchments, planted his several colours upon them, and carried the work—all in seventeen minutes.

"Conducted by Lieutenant Beauregard, engineer, and Lieutenant Brooks, of Twiggs's staff,—both of whom, like Lieutenant Tower, had, in the night, twice reconnoitred the ground,—Cadwallader brought up to the general assault two of his regiments, the voltigeurs and the 11th, and at the appointed time, Colonel Ransom, with his temporary brigade, conducted by Captain Lee, engineer, not only made the movement to divert and to distract the enemy, but, after crossing the deep ravine in his front, advanced, and poured into the works, and upon the fugitives, many volleys from his destructive musketry.

"In the mean time, Smith's own brigade, under the temporary command of Major Dimick, following the movements of Riley and Cadwallader, discovered, opposite to, and outside of the works, a long line of Mexican cavalry, drawn up as a support. Dimick, having at the head of the brigade the company of sappers and miners, under Lieutenant Smith, engineer, who had conducted the march, was ordered by Brigadier-General Smith to form line faced to the enemy, and, in a charge against a flank, routed the cavalry.

"Shields, too, by the wise disposition of his brigade, and gallant activity, contributed much to the general results. He held masses of cavalry and infantry, supported by artillery, in check below him, and captured hundreds, with one general, (Mendoza,) of those who fled from above.

"I doubt whether a more brilliant or decisive victory,—taking into view ground, artificial defences, batteries, and the extreme disparity of numbers,—without cavalry or artillery on our side, is to be found on record. Including all our corps directed against the intrenched camp, with Shields's brigade at the hamlet, we positively did not number over four thousand five hundred rank and file; and we knew by sight, and since, more certainly, by many captured documents and letters, that the enemy had actually engaged on the spot seven thousand men, with at least twelve thousand more hovering within sight and striking distance, both on the 19th and 20th. All, not killed or captured, now fled with precipitation.

"Thus was the great victory of Contreras achieved;

one road to the capital opened, seven hundred of the enemy killed; eight hundred and thirteen prisoners, including, among eighty-eight officers, four generals; besides many colours and standards; twenty-two pieces of brass ordnance, half of large calibre; thousands of small arms and accoutrements; an immense quantity of shot, shells, powder, and cartridges; seven hundred pack mules, many horses, &c., &c.; all in our hands.

"The battle being won before the advancing brigades of Worth's and Quitman's divisions were in sight, both were ordered back to their late positions; Worth to attack San Antonio in front, with his whole force, as soon as approached in the rear by Pillow's and Twiggs's divisions; moving from Contreras, through San Angel and Coyoacan. By carrying San Antonio, we knew that we should open another, a shorter and better, road to the capital, for our siege and other trains.

"Accordingly, the two advanced divisions and Shields's brigade marched from Contreras, under the immediate orders of Major-General Pillow, who was now joined by the gallant Brigadier-General Pierce, of his division, personally thrown out of activity, late the evening before, by a severe hurt from the fall of his horse.

"After giving necessary orders on the field, in the midst of prisoners and trophies, and sending instructions to Harney's brigade of cavalry, left at San Augustin, to join me, I personally followed Pillow's command.

"Arriving at Coyoacan, two miles, by a cross road, from the rear of San Antonio, I first detached Captain Lee, engineer, with Captain Kearney's troop 1st dragoons, supported by the rifle regiment, under Major Loring, to reconnoitre that strong point; and next despatched Major-General Pillow, with one of his brigades, (Cadwallader's,) to make the attack upon it, in concert with Major-General Worth on the opposite side.

"At the same time, by another road to the left, Lieutenant Stevens, of the engineers, supported by Lieutenant G. W. Smith's company of sappers and miners, of the same corps, was sent to reconnoitre the strongly fortified church or convent of San Pablo, in the hamlet of Churubusco, one mile off. Twiggs, with one of his brigades, (Smith's, less the rifles,) and Captain Taylor's field battery, were ordered to follow and to attack the convent. Major Smith, senior engineer, was despatched to concert with Twiggs the mode and means of attack, and Twiggs's other brigade (Riley's) I soon ordered up to support him.

"Next I sent Pierce, (just able to keep the saddle,) with his brigade, conducted by Captain Lee, engineer, by a third road, a little farther to our left, to attack the enemy's right and rear, in order to favour the movement upon the convent, and cut off the retreat towards the capital. And, finally, Shields, senior brigadier to Pierce, with the New York and South Carolina volunteers, was ordered to follow Pierce closely, and to take the command of our left wing. All these movements were made with the utmost alacrity by our gallant troops and commanders.

"Finding myself at Coyoacan, from which so many roads conveniently branched, without escort or reserve, I had to advance, for safety, close upon Twigg's rear. The battle now raged from the right to the left of our whole line.

"Learning, on the return of Captain Lee, that Shields, in the rear of Churubusco, was hard pressed, and in danger of being outflanked, if not overwhelmed, by greatly superior numbers, I immediately sent, under Major Sumner, the rifles, (Twigg's reserve,) and Captain Sibley's troop 2d dragoons, then at hand, to support our left, guided by the same engineer.

"About an hour earlier, Worth had, by skilful and daring movements upon the front and right, turned and forced San Antonio; its garrison, no doubt, much shaken by our decisive victory at Contreras.

"The forcing of San Antonio was the *second* brilliant event of the day.

"Worth's division being soon reunited in hot pursuit, he was joined by Major-General Pillow, who, marching from Coyoacan, and discovering that San Antonio had been carried, immediately turned to the left, according to my instructions, and, though much impeded by ditches and swamps, hastened to the attack of Churubusco.

"The hamlet, or scattered houses bearing this name, presented, besides the fortified convent, a strong field-work, (*tête de pont*), with regular bastions and curtains, at the head of a bridge over which the road passed from San Antonio to the capital.

"The whole remaining forces of Mexico, (some twenty-seven thousand men,) cavalry, artillery, and infantry, collected from every quarter, were now in, on the flanks, or within supporting distance of those works, and seemed resolved to make a last and desperate stand; for if beaten here, the feebler defences at the gates of the city (four miles off) could not, as was well known to both parties, delay the victors an hour.

"The fortified church or convent, hotly pressed by

Twigg, had already held out about an hour, when Worth and Pillow, the latter having with him Cadwallader's brigade, began to manœuvre closely upon the *tête de pont*, with the convent at half gun-shot to their left. Garland's brigade, (Worth's division,) to which had been added the light battalion under Lieutenant-Colonel Smith, continued to advance in front, and, under the fire of a long line of infantry, off on the left of the bridge; and Clarke, of the same division, directed his brigade along the road, or close by its side. Two of Pillow's and Cadwallader's regiments, the 11th and 14th, supported, and participated in this direct movement; the other, the voltigeurs, was left in reserve. Most of these corps, particularly Clarke's brigade, advancing perpendicularly, were made to suffer much by the fire of the *tête de pont*, and they would have suffered greatly more by flank attacks from the convent, but for the pressure of Twigg on the other side of that work.

"This well-combined and daring movement at length reached the principal point of attack, and the formidable *tête de pont* was at once assaulted and carried by the bayonet. Its deep wet ditch was first gallantly crossed by the 8th and 5th infantry, commanded, respectively, by Major Waite and Lieutenant-Colonel Scott, followed closely by the 6th infantry, which had been so much exposed on the road; the 11th regiment, under Lieutenant-Colonel Graham; and the 14th, commanded by Colonel Trousdale. About the same time, the enemy in front of Garland, after a hot conflict of an hour and a half, gave way, in a retreat towards the capital.

"The immediate results of this *third* signal triumph of the day were, three field-pieces, one hundred and ninety-two prisoners, much ammunition, and two colours taken at the *tête de pont*.

"Lieutenant J. F. Irons, aid-de-camp to Brigadier-General Cadwallader, a young officer of great merit, and conspicuous in battle on several previous occasions, received, in front of the work, a mortal wound.

"As the concurrent attack upon the convent favoured, physically and morally, the assault upon the *tête de pont*, so, reciprocally, no doubt, the fall of the latter contributed to the capture of the former. The two works were only some four hundred and fifty yards apart; and as soon as we were in possession of the *tête de pont*, a captured four-pounder was turned and fired several times upon the convent. In the same brief interval, Lieutenant-Colonel Duncan gallantly brought two of his guns to bear, at a short range, from the San

Antonio road, upon the principal face of the work, and on the tower of the church, which, in the obstinate contest, had been often refilled with some of the best sharp-shooters of the enemy.

"Finally, twenty minutes after the *tête de pont* had been carried by Worth and Pillow, and at the end of a desperate conflict of two hours and a half, the church or convent, — the citadel of the strong line of defence along the rivulet of Churubusco, — yielded to Twiggs's division, and threw out on all sides signals of surrender. The white flags, however, were not exhibited until the moment when the 3d infantry, under Captain Alexander, had cleared the way by fire and bayonet, and had entered the work. Captain J. M. Smith and Lieutenant O. L. Shepherd, both of that regiment, with their companies, had the glory of leading the assault. The former received the surrender, and Captain Alexander instantly hung out from the balcony the colours of the gallant 3d. Major Dimick, with a part of the 1st artillery, serving as infantry, entered nearly abreast with the leading troops.

"Captain Taylor's field battery, attached to Twiggs's division, opened its effective fire, at an early moment, upon the outworks of the convent and the tower of its church. Exposed to the severest fire of the enemy, the captain, his officers and men, won universal admiration; but, at length, much disabled in men and horses, the battery was, by superior orders, withdrawn from the action, thirty minutes before the surrender of the convent.

"Those corps, excepting Taylor's battery, belonged to the brigade of Brigadier-General Smith, who closely directed the whole attack in front, with his habitual coolness and ability; while Riley's brigade, under Captain T. Morris and Lieutenant-Colonel Plympton, vigorously engaged the right of the work and part of its rear. At the moment, the rifles, belonging to Smith's, were detached in support of Brigadier-General Shields on our extreme left; and the 4th artillery, acting as infantry, under Major Gardner, belonging to Riley's brigade, had been left in charge of the camp, trophies, &c., at Contreras. Twiggs's division, at Churubusco, had thus been deprived of the services of two of its most gallant and effective regiments.

"The immediate results of this victory were, the capture of seven field-pieces, some ammunition, one colour, three generals, and one thousand two hundred and sixty-one prisoners, including other officers.

"Captains E. A. Capron and M. J. Burke, and Lieut-

tenant S. Hoffman, all of the 1st artillery, and Captain J. W. Anderson and Lieutenant Thomas Easley, both of the 2d infantry, (five officers of great merit,) fell gallantly before this work.

"The capture of the enemy's citadel was the *fourth* great achievement of our arms in the same day.

"It has been stated that, some two hours and a half before, Pierce's, followed closely by the volunteer brigade, (both under the command of Brigadier-General Shields,) had been detached to our left to turn the enemy's works, to prevent the escape of the garrisons, and to oppose the extension of the enemy's numerous corps from the rear upon and around our left.

"Considering the inferior numbers of the two brigades, the objects of the movement were difficult to accomplish. Hence the reinforcement sent forward a little later.

"In a winding march of a mile around to the right, this temporary division found itself on the edge of an open, wet meadow, near the road from San Antonio to the capital, and in the presence of some four thousand of the enemy's infantry, a little in rear of Churubusco, on that road. Establishing the right at a strong building, Shields extended his left parallel to the road, to outflank the enemy towards the capital. But the enemy extending his right, supported by three thousand cavalry, more rapidly (being favoured by better ground) in the same direction, Shields concentrated the division about a hamlet, and determined to attack in front. The battle was long, hot, and varied; but, ultimately, success crowned the zeal and gallantry of our troops, ably directed by their distinguished commander. Our *fifth* victory in the same day.

"Shields took three hundred and eighty prisoners, including officers; and it cannot be doubted that the rage of the conflict between him and the enemy, just in the rear of the *tête de pont* and the convent, had some influence on the surrender of those formidable defences.

"As soon as the *tête de pont* was carried, the greater part of Worth's and Pillow's forces passed that bridge in rapid pursuit of the flying enemy. These distinguished generals, coming up with Brigadier-General Shields, now also victorious, the three continued to press upon the fugitives to within a mile and a half of the capital. Here, Colonel Harney, with a small part of his brigade of cavalry, rapidly passed to the front, and charged the enemy up to the nearest gate.

"The cavalry charge was headed by Captain Kear-

ney, of the 1st dragoons, having in squadron, with his own troop, that of Captain McReynolds of the 3d; making the usual escort to general head-quarters; but, being early in the day attached for general service, was now under Colonel Harney's orders. The gallant captain, not hearing the *recall*, that had been sounded, dashed up to the San Antonio gate, sabring, in his way, all who resisted. Of the seven officers of the squadron, Kearney lost his left arm, McReynolds and Lieutenant Lorimer Graham were both severely wounded, and Lieutenant R. S. Ewell, who succeeded to the command of the escort, had two horses killed under him. Major F. D. Mills, of the 15th infantry, a volunteer in this charge, was killed at the gate.

"So terminated the series of events which I have but feebly presented. My thanks were freely poured out, on the different fields, to the abilities and science of generals and other officers, to the gallantry and prowess of all, the rank and file included. But a reward infinitely higher—the applause of a grateful country and government—will, I cannot doubt, be accorded, in due time, to so much merit, of every sort, displayed by this glorious army, which has now overcome all difficulties—distance, climate, ground, fortifications, numbers.

"It has, in a single day, in many battles, as often defeated thirty-two thousand men; made about three thousand prisoners, including eight generals, (two of them ex-presidents,) and two hundred and five other officers; killed or wounded four thousand of all ranks, besides entire corps dispersed and dissolved; captured thirty-seven pieces of ordnance,—more than trebling our siege train and field batteries,—with a large number of small arms, a full supply of ammunition of every kind, &c., &c.

"These great results have overwhelmed the enemy.

"Our loss amounts to one thousand fifty-three—*killed*, one hundred and thirty-nine, including sixteen officers; *wounded*, eight hundred and seventy-six, with sixty officers. The greater number of the dead and disabled were of the highest worth. Those under treatment—thanks to our very able medical officers—are generally doing well.

"I regret having been obliged, on the 20th, to leave Major-General Quitman, an able commander, with a part of his division, (the fine 2d Pennsylvania volunteers and the veteran detachment of United States marines,) at our important depot, San Augustin. It was there that I had placed our sick and wounded; also the

siege, supply, and baggage trains. If these had been lost, the army would have been driven almost to despair; and considering the enemy's very great excess of numbers, and the many approaches to the depot, it might well have become, emphatically, *the post of honour*.

"After so many victories, we might, with but little additional loss, have occupied the capital the same evening. But Mr. Trist, commissioner, as well as myself, had been admonished by the best friends of peace—intelligent neutrals and some American residents—against precipitation; lest, by wantonly driving away the government and others, (dishonoured,) we might scatter the elements of peace, excite a spirit of national desperation, and thus indefinitely postpone the hope of accommodation. Deeply impressed with this danger, and remembering our mission, (to conquer a peace,) the army very cheerfully sacrificed to patriotism—to the great wish and want of our country—the *éclat* that would have followed an entrance, sword in hand, into a great capital. Willing to leave something to this republic, (of no immediate value to us,) on which to rest her pride, and to recover temper, I halted our victorious corps at the gates of the city, (at least for a time,) and have them now cantoned in the neighbouring villages, where they are well sheltered and supplied with all necessaries.

"On the morning of the 21st, being about to take up battering or assaulting positions, to authorize me to summon the city to surrender, or to sign an armistice, with a pledge to enter at once into negotiations for peace, a mission came out to propose a truce. Rejecting its terms, I despatched my contemplated note to President Santa Anna, omitting the summons. The 22d, commissioners were appointed by the commanders of the two armies; the armistice was signed the 23d, and ratifications exchanged the 24th.

"All matters in dispute between the two governments have been thus happily turned over to their plenipotentiaries, who have now had several conferences, and with, I think, some hope of signing a treaty of peace."

The "intelligent neutrals," to whose counsel General Scott refers, were the ambassador and consul-general of Great Britain, and other foreign functionaries, who now interposed to save the city from the horrors of a siege and bombardment. The result was a temporary armistice, on the terms set forth in the following paper:—

"HEAD-QUARTERS OF THE ARMY, }
TACUBAYA, August 24, 1847. }

"GENERAL ORDERS, }
No. 262. }

"The following military convention is published for the information and strict government of the American army, its retainers and followers. Any infraction of one or more of the articles of the said convention shall be followed by rigorous punishment.

"The undersigned appointed respectively, the three first by Major-General Winfield Scott, commander-in-chief of the armies of the United States, and the two last by his excellency D. Antonio Lopez de Santa Anna, President of the Mexican republic, and commander-in-chief of its armies, met with full powers, which were duly verified, in the village of Tacubaya, on the 22d day of August, 1847, to enter into an armistice, for the purpose of giving the Mexican government an opportunity of receiving propositions for peace from the commissioner appointed by the president of the United States, and now with the American army, when the following articles were agreed upon:—

"ARTICLE 1. Hostilities shall instantly and absolutely cease between the armies of the United States of America and the United Mexican States, within thirty leagues of the capital of the latter States, to allow time to the commissioner appointed by the United States, and the commissioners to be appointed by the Mexican republic, to negotiate.

"2. This armistice shall continue as long as the commissioners of the two governments may be engaged in negotiations, or until the commander of either of the said armies shall give formal notice to the other of the cessation of the armistice, and for forty-eight hours after such notice.

"3. In the mean time, neither army shall, within thirty leagues of the city of Mexico, commence any new fortification, or military work of offence or defence, or do any thing to enlarge or strengthen any existing work or fortification of that character within the said limits.

"4. Neither army shall be reënforced within the same. Any reënforcements in troops or munitions of war, other than subsistence now approaching either army, shall be stopped at the distance of at least twenty-eight leagues from the city of Mexico.

"5. Neither army, nor any detachment from it, shall advance beyond the line it at present occupies.

"6. Neither army, nor any detachment or individual of either, shall pass the neutral limits established by the

last article, except under flags of truce bearing the correspondence between the two armies, or on the business authorized by the next article; and individuals of either army, who may chance to straggle within the neutral limits, shall, by the opposite party, be kindly warned off, or sent back to their own army under flags of truce.

"7. The American army shall not, by violence, obstruct the passage from the open country into the city of Mexico, of the ordinary supplies of food necessary to the consumption of its inhabitants, or the Mexican army within the city; nor shall the Mexican authorities, civil or military, do any act to obstruct the passage of supplies from the city or the country needed by the American army.

"8. All American prisoners of war, remaining in the hands of the Mexican army, and not heretofore exchanged, shall immediately, or as soon as practicable, be restored to the American army against a like number (having regard to rank) of Mexican prisoners captured by the American army.

"9. [Omitted.]

"10. The better to enable the belligerent armies to execute these articles, and to favour the great object of peace, it is further agreed between the parties, that any courier with despatches that either army shall desire to send along the line from the city of Mexico, or its vicinity, to and from Vera Cruz, shall receive a safe-conduct from the commander of the opposing army.

"11. The administration of justice between Mexicans, according to the general and state constitutions and laws, by the local authorities of the towns and places occupied by the American forces, shall not be obstructed in any manner.

"12. Persons and property shall be respected in the towns and places occupied by the American forces. No person shall be molested in the exercise of his profession; nor shall the services of any one be required without his consent. In all cases where services are voluntarily rendered, a just price shall be paid, and trade remain unmolested.

"13. Those wounded prisoners who may desire to remove to some more convenient place for the purpose of being cured of their wounds, shall be allowed to do so without molestation—they still remaining prisoners.

"14. Those Mexican medical officers who may wish to attend the wounded shall have the privilege of doing so, if their services be required.

"15. For the more perfect execution of this agreement, two commissioners shall be appointed, (one by

each party,) who, in case of disagreement, shall appoint a third.

"16. This convention shall have no force or effect unless approved by their excellencies the commanders respectively of the two armies, within twenty-four hours, reckoning from 6 o'clock, A. M., of the 22d day of August, 1847.

"J. A. QUITMAN,

Major-General U. S. A.

PERSIFOR F. SMITH,

Brevet Brigadier-Gen. U. S. A.

FRANKLIN PIERCE,

Brigadier-General U. S. A.

IGNACIO DE MORA Y VILLAMIL.

BENITO QUIJANO."

On the day following the ratification of this convention, Mr. Trist commenced his diplomatic duties by addressing a note to Señor Pacheco, minister of foreign relations, announcing his readiness to enter upon the negotiation of a treaty. This, after some delay, resulted in the appointment of commissioners, to whom Mr. Trist submitted the project of a treaty, which had been prepared at Washington. While this was under discussion, a powerful opposition to every species of negotiation was beginning to be fomented in the city, and in various sections of the country. The enemies of Santa Anna, who were many and powerful, opposed the measure altogether. The deputies to congress, who were summoned to deliberate upon it, refused, for the most part, to attend. Protests against it were sent in from the neighbouring states, and from cliques of the absent deputies, reminding Santa Anna that the law was still unrepealed, which pronounced it treason to open negotiations with the enemy, while he remained upon their soil. The common people were roused to indignation against the Yankees. Their hatred had increased with the success of the American arms. The panic occasioned by those successes, and the steady and irresistible march of the invaders, was beginning to subside, as they moved in and out among them, and saw they were but men. They shouted insultingly as they passed, and even attacked the provision train, as, in accordance with the provisions of the convention, it was receiving supplies in the city.

These difficulties increased as the negotiations advanced. Protests and proclamations came in from every quarter. The president was openly accused of high treason, and articles of impeachment were drawn up and published. The greater part of this opposition

arose from parties and factions hostile to Santa Anna, who sought to destroy him, by undermining his influence with the army. So long as that army stood by him, he cared little for his enemies, or for his country. He sought only to establish his own power, and to secure, if possible, the million of dollars which had once been proffered as the price of submission.

Difficulties, also, arose among the negotiators. The demands of the United States were large, covering, from the commencement, all that they have since acquired, and considerably more. They were, for the most part, peremptorily resisted, and counter demands presented, on the part of Mexico, as if she were the conquering party, with full power to dictate her own terms. She proved wholly impracticable, and the negotiations were finally broken off, without coming to any result.

The advantage of this delay was all on the side of the Mexicans. They had gained time to recruit their wasted forces, and strengthen their fortifications, and, despite the provisions of the convention, they had done both industriously. After the battle of Churubusco, the victorious American army might have marched at once into the city, and dictated its own terms. The panic was too great, the rout too complete and overwhelming, to have admitted of any formidable resistance at that time. And it reflects the highest credit upon General Scott, that, in the hope of peace, he should willingly forego such advantages, at such a crisis, and relinquish, for the good of the vanquished, all the *éclat* of a triumphal entry into their capital. It is true, it cost another hard-fought battle in the end, and the loss of many valuable lives. In a military point of view, it may have been ill judged. But the motive which dictated it is not only above all reproach or suspicion, but demands the admiration of all who can appreciate that noble sentiment of inspiration, "Greater is he that ruleth his spirit than he that taketh a city." The great error of the American commander, in all this matter, was, that he placed confidence in the integrity of Santa Anna—a man whose whole political career had been a mere tissue of duplicity, intrigue, and faithlessness, and whose name will yet come to be a synonyme for treachery. In this, however, the general had the countenance and sympathy, and perhaps the secret instructions, of the president and his cabinet. With the same inane reliance upon the man and his promises, they had opened wide the doors, of which they held the key, and suffered him to enter, who, with all his faults, was the only

man in Mexico who could rouse and unite the people, or hope successfully to fight their battles. It would seem, that they were afraid of too easy a victory. They wanted something for the invading army to achieve. They therefore furnished them, at their own cost, a head—a man of immense resources, of great influence with the people, of unscrupulous daring in the assumption of power; a man thoroughly acquainted with the country and the people, and accustomed to lead them like sheep to the slaughter. That, after so many triumphs over this wily foe, when all but his last defence was carried, and he stood at his very gates, with a victorious army panting to enter, General Scott should have supposed that foe honest in proposing a parley, and wishing to negotiate, is certainly far less remarkable than that the cabinet of Washington should have sought him in the cockpits of Havana, proffered a passport, and opened the blockade, at the very time, when, wanting a daring leader, it was certain the Mexicans would forgive the past, and receive him with open arms. The arrangement is a mystery yet to be explained. The ordinary principles of diplomacy, and of war, are at fault in the elucidation. The unchallenged entrance of Paredes, through all the barriers of military occupation and surveillance, at the moment when the popularity and power of Santa Anna were on the wane from so many defeats, is a kindred enigma, which even time, that reveals all things, will probably not explain.

Santa Anna had gained one of his ends—for such a thing as a single purpose he scarcely understood: he had gained time to improve his positions for defence, and to rouse in the people a spirit which he hoped might at length prevail, to drive back the proud invaders. Success in this last attempt would have placed him on the pinnacle of power, and enabled him to crush at once those domestic foes whom he hated and feared far more than the foreign ones. And he might well hope, that, with an army of more than three times the force of that of the Americans, and a population of several hundred thousand, now in their last intrenchments, fighting for their capital, their beloved city, their altars and their hearths, with no possible alternative but victory, or submission to the terms they had just scornfully rejected, they might yet achieve a defence, and, falling upon their constantly diminishing assailants, exterminate them at once. Whatever were his hopes, or those of his people, a renewal of hostilities was determined upon.

The armistice had continued two weeks. On the

6th of September, immediately after the interruption of the negotiations, General Scott informed the Mexican commander that, in view of the repeated violations, on his part, of the terms of the convention, he had full right to consider it at an end, and that, unless full satisfaction were given before noon of the following day, he should act accordingly. Santa Anna's reply was recriminative and defiant, concluding with a high resolve "to repel force by force, with that decision and energy which his high obligations imposed upon him." The armistice was, consequently, at an end.

General Scott had received the impression that there was a foundery in active operation at Molino del Rey, and that a large number of men were employed there in preparing cannon for the Mexican defences. He therefore resolved to make that the first point of attack, hoping, by breaking up the machinery, and stopping the manufacture of cannon, to weaken the enemy essentially in his plans of defence.

The range of strong stone buildings, known as El Molino del Rey, or the Royal Mill, is nearly a mile north of the village of Tacubaya. It is some five hundred yards long, and constructed of massive stone. It forms the western side of an enclosure, which surrounds the castle and grounds of Chapultepec, the castle being about two thirds of a mile from the Mill, overlooking and commanding, from its lofty seat of rock, not only that position, but a large sweep of country on every side of it. The Molino was occupied by a strong corps of troops, under General Leon. The doors, windows, and gateways were strongly barricaded, the walls pierced for musketry, and the roofs surrounded with sand-bag parapets. About five hundred yards on the west was the Casa Mata, a strong stone building, surrounded by a quadrangular bastioned field-work, and occupied by troops of the line, under General Perez. Still farther west, about three hundred yards, was a deep and wide ravine, on the other side of which a corps of Pintos, under General Alvarez, was stationed.

There was a difference of opinion, in the American camp, in reference to the attack upon this position. General Scott regarded Chapultepec as too strong and difficult to be attempted. It would cost too many lives to carry it. And he hoped that, by carrying any of its outposts, and thus showing to the Mexicans his determination to renew and prosecute the war, they would at once resume negotiations for peace. He was therefore resolved to attempt Molino del Rey alone, and, having destroyed whatever of military works it

might contain, to retire at once to his then position at Tacubaya. This he ordered to be effected at night by General Worth's division, the attack to be made as soon as it was dark. General Worth, who had caused the ground to be thoroughly reconnoitred, thought the attack should be made at daylight, and that the entire position, including Chapultepec, should be embraced in the plan of operations. He judged from his observations, that the place would be ably defended, and not carried without difficulty and loss, and that it would be far better to follow up the movement upon Molino del Rey, if successful, by an immediate attempt upon the castle to which it led. General Scott consented to change his plan so far as to make the attack by daylight, but peremptorily refused to allow an attempt upon Chapultepec at that time. The result proved that General Worth had not overestimated the strength of the Molino, or the difficulty of the task assigned him. The story of its execution will be given in the words of his own official report:—

“Having, in the course of the 7th, accompanied the general-in-chief on a *reconnaissance* of the formidable dispositions of the enemy near and around the castle of Chapultepec, they were found to exhibit an extended line of cavalry and infantry, sustained by a field battery of four guns—occupying directly, or sustaining, a system of defences collateral to the castle and summit. This examination gave fair observation of the configuration of the grounds, and the extent of the enemy's force; but, as appeared in the sequel, an inadequate idea of the nature of his defences—they being skilfully masked.

“The general-in-chief ordered that my division, reënforced as before mentioned, should attack and carry those lines and defences, capture the enemy's artillery, destroy the machinery and material supposed to be in the foundry El Molino del Rey; but limiting the operations to that extent. After which, my command was to be immediately withdrawn to its position in the village of Tacubaya.

“A close and daring *reconnaissance* by Captain Mason of the engineers, made on the morning of the 7th, represented the enemy's lines collateral to Chapultepec to be as follows: His left rested upon and occupied a group of strong stone buildings, called El Molino del Rey, adjoining the grove at the foot of the hill of Chapultepec, and directly under the guns of the castle which crowns its summit. The right of his line rested upon another stone building, called Casa Mata, situated at the foot of the ridge that slopes gradually from the

heights above the village of Tacubaya to the plain below. Midway between these buildings was the enemy's field battery, and his infantry forces were disposed on either side to support it. This *reconnaissance* was verified by Captain Mason and Colonel Duncan, on the afternoon of the same day. The result indicated that the centre was the weak point of the enemy's position; and that his flanks were the strong points, his left flank being the stronger.

“As the enemy's system of defence was connected with the hill and castle of Chapultepec, and as my operations were limited to a specific object, it became necessary to isolate the work to be accomplished, from the castle of Chapultepec and its immediate defences. To effect this object, the following dispositions were ordered: Colonel Garland's brigade to take possession on the right, strengthened by two pieces of Captain Drum's battery, to look to El Molino del Rey, as well as any support of this position from Chapultepec; and also within sustaining distance of the assaulting party and the battering guns, which, under Captain Huger, were placed on the ridge, five or six hundred yards from El Molino del Rey, to batter and loosen this position from Chapultepec. An assaulting party of five hundred picked men and officers, under command of Brevet Major George Wright, 8th infantry, was also posted on the ridge to the left of the battering guns, to force the enemy's centre. The 2d brigade, the command of which devolved on Colonel McIntosh, (Colonel Clarke being sick,) with Duncan's battery, was to take post still farther up the ridge, opposite the enemy's right, to look to our left flank to sustain the assaulting column if necessary, or to discomfit the enemy, (the ground being favourable,) as circumstances might require. Cadwallader's brigade was held in reserve, in a position on the ridge between the battering guns and McIntosh's brigade, and in easy support of either. The cavalry, under Major Sumner, to envelop our extreme left, and be governed by circumstances,—to repel or attack, as the commander's judgment might suggest. The troops to be put in position under cover of the night; and the work to begin as soon as the heavy metal could be properly directed. Colonel Duncan was charged with the general disposition of the artillery. Accordingly, at 3 o'clock in the morning of the 8th, the several columns were put in motion on as many different routes; and when the gray of the morning enabled them to be seen, they were as accurately in position as if posted in midday for review. The early dawn was the moment appointed for the attack,

which was announced to our troops by the opening of Huger's guns on El Molino del Rey, upon which they continued to play actively until this point of the enemy's line became sensibly shaken, when the assaulting party, commanded by Wright, and guided by that accomplished officer, Captain Mason of the engineers, assisted by Lieutenant Foster, dashed gallantly forward to the assault. Unshaken by the galling of the musketry and canister that was showered upon them, on they rushed, driving infantry and artillerymen at the point of the bayonet. The enemy's field battery was taken, and his own guns were trailed upon his retreating masses: before, however, they could be discharged, perceiving that he had been dispossessed of his strong position by comparatively a handful of men, he made a desperate effort to regain it. Accordingly his retiring forces rallied and formed with this object. Aided by the infantry, which covered the house-tops, within reach of which the battery had been moved during the night, the enemy's whole line opened upon the assaulting party a terrific fire of musketry, which struck down *eleven* out of the *fourteen* officers that composed the command, and non-commissioned officers and men in proportion; including, amongst the officers, Brevet Major Wright, the commander; Captain Mason and Lieutenant Foster, engineers; all severely wounded. This severe shock staggered, for a moment, that gallant band. The light battalion, held to cover Captain Huger's battery, under Captain Smith, and the right wing of Cadwallader's brigade, were promptly ordered forward to support, which order was executed in the most gallant style; the enemy was again routed, and this point of his line carried, and fully possessed by our troops. In the mean time, Garland's brigade, ably sustained by Captain Drum's artillery, assaulted the enemy's left, and, after an obstinate and very severe contest, drove him from his apparently impregnable position, immediately under the guns of the castle of Chapultepec. Drum's section, and the battering guns under Captain Huger, advanced to the enemy's position, and the captured guns of the enemy were now opened on his retreating forces, on which they continued to fire until beyond their reach. While this work was in progress of accomplishment by our centre and right, our troops on the left were not idle. Duncan's battery opened on the right of the enemy's line, up to this time engaged; and the 2d brigade, under Colonel McIntosh, was now ordered to assault the extreme right of the enemy's line. The direction of this brigade soon caused it to mask Duncan's battery, — the

fire of which, for the moment, was discontinued; and the brigade moved steadily on to the assault of Casa Mata, which, instead of an ordinary field intrenchment, as was supposed, proved to be a strong stone citadel, surrounded with bastioned intrenchments and impassable ditches.—an old Spanish work, recently repaired and enlarged. When within easy musket range, the enemy opened a most deadly fire upon our advancing troops, which was kept up, without intermission, until our gallant men reached the very slope of the parapet of the work that surrounded the citadel. By this time, a large proportion of the command was either killed or wounded, amongst whom were the three senior officers present — Brevet Colonel McIntosh, Brevet Lieutenant-Colonel Scott, of the 5th infantry, and Major Waite, 8th infantry; the second killed, and the first and last desperately wounded. Still, the fire from the citadel was unabated. In this crisis of the attack, the command was, momentarily, thrown into disorder, and fell back on the left of Duncan's battery, where they rallied. As the 2d brigade moved to the assault, a very large cavalry and infantry force was discovered approaching rapidly upon our left flank, to reënforce the enemy's right. As soon as Duncan's battery was masked, as before mentioned, supported by Andrews's voltigeurs of Cadwallader's brigade, it moved promptly to the extreme left of our line, to check the threatened assault on this point. The enemy's cavalry came, rapidly, within canister range, when the whole battery opened a most effective fire, which soon broke the squadrons, and drove them back in disorder. During this fire upon the enemy's cavalry, Major Sumner's command moved to the front, and changed direction in admirable order, under a most appalling fire from the Casa Mata. This movement enabled his command to cross the ravine immediately on the left of Duncan's battery, where it remained, doing noble service, until the close of the action. At the very moment the cavalry were driven beyond reach, our own troops drew back from before the Casa Mata, and enabled the guns of Duncan's battery to reopen upon this position; which, after a short and well-directed fire, the enemy abandoned. The guns of the battery were now turned upon his retreating columns, and continued to play upon them until beyond reach.

"He was now driven from every point in the field, and his strong lines, which had certainly been defended well, were in our possession. In fulfilment of the instructions of the general-in-chief, the Casa Mata was blown up, and such of the captured ammunition as was

useless to us, as well as the cannon moulds found in El Molino del Rey, were destroyed. After which, my command, under the reiterated orders of the general-in-chief, returned to quarters at Tacubaya, with three of the enemy's four guns, (the fourth, having been spiked, was rendered unserviceable,) as also a large quantity of small arms, with gun and musket ammunition, and exceeding eight hundred prisoners, including fifty-two commissioned officers.

"By the concurrent testimony of prisoners, the enemy's force exceeded fourteen thousand men, commanded by General Santa Anna in person. His total loss, killed, (including the 2d and 3d in command, Generals Valdarez and Leon,) wounded, and prisoners, amounts to three thousand, exclusive of some two thousand who deserted after the rout.

"My command, reënforced as before stated, only reached three thousand one hundred men of all arms. The contest continued two hours, and its severity is painfully attested by our heavy loss of officers, non-commissioned officers, and privates, including in the first two classes some of the brightest ornaments of the service."

The American loss in this battle was nearly eight hundred men, killed and wounded, of whom fifty were officers. Not a single post, during the whole war, had been more resolutely and ably defended than El Molino del Rey. It was carried, nevertheless, but at an immense sacrifice of life. And, unfortunately, no advantage was gained by it, except that of proving to the Mexicans that the invading general was determined to prosecute the war, and that no superiority of numbers or position could avail them against the indomitable courage and consummate skill of the Americans. There was no foundry at the Mill. A few useless cannon moulds were destroyed, a large quantity of ammunition was taken, a still larger quantity was destroyed; Casa Mata was blown up, El Molino was dismantled; but Chapultepec remained, frowning from its lofty rock, and bidding defiance to all its enemies. Worth, Pillow, and Cadwallader were eager to pursue the victory to its walls, and carry it by storm. But, restrained by the decided order of the commander-in-chief, they retired under a heavy fire from the castle, and left the field so hardly won to be reoccupied, at his leisure, by the enemy, and to be retaken, at some cost, a few days after.

The Mexicans, instead of being disheartened, were reassured by the result of the battle of Molino del Rey. Supposing Chapultepec to have been the object of the

movement, they looked upon the untimely retirement of the assailants as at least a partial defeat, and a clear acknowledgment that the castle was impregnable. In this confidence, they renewed their zeal in the defence, and re-resolved to die in their last intrenchment, sooner than allow their beloved city to be dishonoured by the foot of the hated invader.

Not receiving, as he hoped and expected, new proposals of peace, the American commander now resolved to finish his work by one decisive blow. The city was to be taken. This involved the storming of Chapultepec, and the consequent recovery of El Molino del Rey. Dispositions were immediately made to effect this object on the 13th of September. The result is thus briefly stated in General Scott's official report:—

"The victory of the 8th, at the Molino del Rey, was followed by daring *reconnaissances* on the part of our distinguished engineers. Their operations were directed principally to the south—towards the gates of the Piedad, San Angel, (Niño Perdido,) San Antonio, and the Paseo de la Viga.

"This city stands on a slight swell of ground, near the centre of an irregular basin, and is girdled with a ditch in its greater extent, (a navigable canal of great breadth and depth,) very difficult to bridge in the presence of an enemy, and serving at once for drainage, custom-house purposes, and military defence; leaving eight entrances or gates, over arches, each of which we found defended by a system of strong works, that seemed to require nothing but some men and guns to be impregnable.

"Outside and within the cross fires of those gates, we found to the south other obstacles but little less formidable. All the approaches near the city are over elevated causeways, cut in many places, (to oppose us,) and flanked on both sides by ditches, also of unusual dimensions. The numerous cross roads are flanked in like manner, having bridges at the intersections, recently broken. The meadows thus checkered are, moreover, in many spots, under water or marshy; for, it will be remembered, we were in the midst of the wet season, though with less rain than usual, and we could not wait for the fall of the neighbouring lakes and the consequent drainage of the wet grounds at the edge of the city—the lowest in the whole basin.

"After a close personal survey of the southern gates, covered by Pillow's division and Riley's brigade of Twiggs's, — with four times our numbers concentrated in our immediate front, — I determined, on the 11th, to avoid that network of obstacles, and to seek, by a

sudden inversion to the south-west and west, less unfavourable approaches.

"To economize the lives of our gallant officers and men, as well as to insure success, it became indispensable that this resolution should be long masked from the enemy; and again, that the new movement, when discovered, should be mistaken for a feint, and the old as indicating our true and ultimate point of attack.

"Accordingly, I ordered Quitman's division from Coyoacan to join Pillow, *by daylight*, before the southern gates, and then that the two major-generals, with their divisions, should, *by night*, proceed to join me at Tacubaya, where I was quartered with Worth's division. Twiggs, with Riley's brigade, and Captains Taylor's and Steptoe's field batteries, was left in front of those gates to manœuvre, to threaten, or to make false attacks, in order to occupy and deceive the enemy. Twiggs's other brigade was left at supporting distance in the rear, at San Angel, till the morning of the 13th, and also to support our general depot at Mixcoac. The stratagem against the south was admirably executed throughout the 12th, and down to the afternoon of the 13th, when it was too late for the enemy to recover from the effects of his delusion.

"The first step in the new movement was to carry Chapultepec, a natural and isolated mound, of great elevation, strongly fortified at its base, on its acclivities, and heights. Besides a numerous garrison, here was the military college of the republic, with a large number of sub-lieutenants and other students. Those works were within direct gunshot of the village of Tacubaya, and, until carried, we could not approach the city on the west without making a circuit too wide and too hazardous. In the course of the same night, heavy batteries, within easy ranges, were established.

"To prepare for an assault, it was foreseen that the play of the batteries might run into the second day; but recent captures had not only trebled our siege pieces, but also our ammunition; and we knew that we should greatly augment both by carrying the place. I was, therefore, in no haste in ordering an assault before the works were well crippled by our missiles.

"The bombardment and cannonade, under the direction of Captain Huger, were commenced early in the morning of the 12th. Before nightfall, which necessarily stopped our batteries, we had perceived that a good impression had been made on the castle and its outworks, and that a large body of the enemy had remained outside, towards the city, from an early hour, to avoid our fire, and to be at hand on its cessation,

in order to reënforce the garrison against an assault. The same outside force was discovered the next morning, after our batteries had reopened upon the castle, by which we again reduced its garrison to the *minimum* needed for the guns.

"Pillow and Quitman had been in position since early in the night of the 11th. Major-General Worth was now ordered to hold his division in reserve, near the foundery, to support Pillow; and Brigadier-General Smith had just arrived with his brigade from Piedad, to support Quitman. Twiggs's guns, before the southern gates, again reminded us, as the day before, that he, with Riley's brigade and Taylor's and Steptoe's batteries, was in activity, threatening the southern gates, and there holding a great part of the Mexican army on the defensive.

"Worth's division furnished Pillow's attack with an assaulting party of some two hundred and fifty volunteer officers and men, under Captain McKenzie, and Twiggs's division supplied a similar one, commanded by Captain Casey, to Quitman. Each of those little columns was furnished with scaling-ladders.

"The signal I had appointed for the attack was the momentary cessation of fire on the part of our heavy batteries. About 8 o'clock in the morning of the 13th, judging that the time had arrived, by the effect of the missiles we had thrown, I sent an aid-de-camp to Pillow, and another to Quitman, with notice that the concerted signal was about to be given. Both columns now advanced with an alacrity that gave assurance of prompt success. The batteries, seizing opportunities, threw shots and shells upon the enemy over the heads of our men, with good effect, particularly at every attempt to reënforce the works from without to meet our assault.

"Major-General Pillow's approach, on the west side, lay through an open grove, filled with sharp-shooters, who were speedily dislodged; when, being up with the front of the attack, and emerging into open space, at the foot of a rocky acclivity, that gallant leader was struck down by an agonizing wound. The immediate command devolved on Brigadier-General Cadwallader, in the absence of the senior brigadier, Pierce, of the same division — an invalid since the events of August 19. On a previous call of Pillow, Worth had just sent him a reënforcement.

"The broken acclivity was still to be ascended, and a strong redoubt, midway, to be carried, before reaching the castle on the heights. The advance of our brave men, led by brave officers, though necessarily

slow, was unwavering, over rocks, chasms, and mines, and under the hottest fire of cannon and musketry. The redoubt now yielded to resistless valor, and the shouts that followed announced to the castle the fate that impended. The enemy were steadily driven from shelter to shelter. The retreat allowed not time to fire a single mine, without the certainty of blowing up friend and foe. Those who, at a distance, attempted to apply matches to the long trains, were shot down by our men. There was death below, as well as above ground. At length the ditch and wall of the main work were reached; the scaling-ladders were brought up and planted by the storming parties; some of the daring spirits first in the assault were cast down, killed or wounded; but a lodgment was soon made; streams of heroes followed; all opposition was overcome, and several of our regimental colours flung out from the upper walls, amidst long-continued shouts and cheers, which sent dismay into the capital. No scene could have been more animating or glorious.

“Major-General Quitman, nobly supported by Brigadier-Generals Shields and Smith, his other officers and men, was up with the part assigned him. Simultaneously with the movement on the west, he had gallantly approached the south-east of the same works over a causeway with cuts and batteries, and defended by an army strongly posted outside, to the east of the works. Those formidable obstacles Quitman had to face, with but little shelter for his troops or space for manœuvring. Deep ditches, flanking the causeway, made it difficult to cross on either side into the adjoining meadows, and these again were intersected by other ditches. Smith and his brigade had been early thrown out to make a sweep to the right, in order to present a front against the enemy’s line, and to turn two intervening batteries, near the foot of Chapultepec. This movement was also intended to support Quitman’s storming parties, both on the causeway. The storming party, now commanded by Captain Paul, carried the two batteries in the road, took some guns, with many prisoners, and drove the enemy posted behind in support. The New York and South Carolina volunteers and the 2d Pennsylvania volunteers, all on the left of Quitman’s line, together with portions of his storming parties, crossed the meadows in front, under a heavy fire, and entered the outer enclosure of Chapultepec just in time to join in the final assault from the west.

“Early in the morning of the 13th, I repeated the orders of the night before to Major-General Worth, to be, with his division, at hand, to support the move-

ment of Major-General Pillow from our left. The latter seems soon to have called for that entire division, standing momentarily in reserve, and Worth sent him Colonel Clarke’s brigade. The call, if not unnecessary, was at least, from the circumstances, unknown to me at the time; for, soon observing that the very large body of the enemy, in the road in front of Major-General Quitman’s right, was receiving reinforcements from the city, (less than a mile and a half to the east,) I sent instructions to Worth, on our opposite flank, to turn Chapultepec with his division, and to proceed, cautiously, by the road at its northern base, in order, if not met by very superior numbers, to threaten or to attack, in rear, that body of the enemy. The movement, it was also believed, could not fail to distract and to intimidate the enemy generally.

“Worth promptly advanced with his remaining brigade, and having turned the forest on the west, and arriving opposite to the north centre of Chapultepec, came up with the troops in the road, under Colonel Trousdale, and aided by a flank movement of a part of Garland’s brigade in taking the one-gun breastwork, then under the fire of Lieutenant Jackson’s section of Captain Magruder’s field battery. Continuing to advance, this division passed Chapultepec, attacking the right of the enemy’s line, resting on that road, about the moment of the general retreat consequent upon the capture of the formidable castle and its outworks.

“Arriving some minutes later, and mounting to the top of the castle, the whole field, to the east, lay plainly under my view.

“There are two routes from Chapultepec to the capital, — the one on the right entering the same gate, Belen, with the road from the south, via Piedad; and the other obliquing to the left, to intersect the great western, or San Cosme road, in a suburb outside of the gate of San Cosme.

“Each of these routes (an elevated causeway) presents a double roadway on the sides of an aqueduct of strong masonry, and great height, resting on open arches and massive pillars, which, together, afford fine points both for attack and defence. The sideways of both aqueducts are, moreover, defended by many strong breastworks at the gates, and before reaching them. As we had expected, we found the four tracks unusually dry and solid for the season.

“Worth and Quitman were prompt in pursuing the retreating enemy, — the former by the San Cosme aqueduct, and the latter along that of Belen. Each had now advanced some hundred yards.

"Deeming it all-important to profit by our successes, and the consequent dismay of the enemy, which could not be otherwise than general, I hastened to despatch, from Chapultepec — first Clarke's brigade, and then Cadwallader's, to the support of Worth, and gave orders that the necessary heavy guns should follow. Pierce's brigade was, at the same time, sent to Quitman, and in the course of the afternoon, I caused some additional siege pieces to be added to his train. Then, after designating the 15th infantry, under Lieutenant-Colonel Howard, — Morgan, the colonel, had been disabled by a wound at Churubusco, — as the garrison of Chapultepec, and giving directions for the care of the prisoners of war, the captured ordnance and ordnance stores, I proceeded to join the advance of Worth, within the suburb, and beyond the turn at the junction of the aqueduct with the great highway from the west to the gate of San Cosme.

"At this junction of roads, we first passed one of those formidable systems of city defences, spoken of above, and it had not a gun! — a strong proof that the enemy had expected us to fall in the attack upon Chapultepec, even if we meant any thing more than a feint; that, in either case, we designed, in his belief, to return and double our forces against the southern gates, — a delusion kept up by the active demonstrations of Twiggs and the forces posted on that side; and that, advancing rapidly from the reduction of Chapultepec, the enemy had not time to shift guns — our previous captures had left him, comparatively, but few — from the southern gates.

"Within those disgarbished works, I found our troops engaged in a street fight against the enemy posted in gardens, at windows, and on house-tops, all flat with parapets. Worth ordered forward the mountain howitzers of Cadwallader's brigade, preceded by skirmishers and pioneers, with pickaxes and crowbars, to force windows and doors, or to burrow through walls. The assailants were soon in an equality of position fatal to the enemy. By 8 o'clock in the evening, Worth had carried two batteries in this suburb. According to my instructions, he here posted guards and sentinels, and placed his troops under shelter for the night. There was but one more obstacle — the San Cosme gate, between him and the great square in front of the cathedral and palace, the heart of the city; and that barrier, it was known, could not, by daylight, resist our siege guns thirty minutes.

"I had gone back to the foot of Chapultepec, the point from which the two aqueducts begin to diverge,

some hours earlier, in order to be near that new depot, and in easy communication with Quitman and Twiggs as well as with Worth.

"From this point I ordered all detachments and stragglers to their respective corps, then in advance; sent to Quitman additional siege guns, ammunition, intrenching tools; directed Twiggs's remaining brigade from Piedad, to support Worth, and Captain Steptoe's field battery, also at Piedad, to rejoin Quitman's division.

"I had been, from the first, well aware that the western, or San Cosme, was the less difficult route to the centre and conquest of the capital; and, therefore, intended that Quitman should only manœuvre and threaten the Belen or south-western gate, in order to favor the main attack by Worth, — knowing that the strong defences at the Belen were directly under the guns of the much stronger fortress, called the *citadel*, just within. Both of these defences of the enemy were also within easy supporting distance from the San Angel (or *Niño Perdido*) and San Antonio gates. Hence the greater support, in numbers, given to Worth's movement as the *main* attack.

"Those views I repeatedly, in the course of the day, communicated to Major-General Quitman; but being in hot pursuit, — gallant himself, and ably supported by Brigadier-Generals Shields and Smith, (Shields badly wounded before Chapultepec, and refusing to retire,) as well as by all the officers and men of the column, — Quitman continued to press forward, under flank and direct fires; carried an intermediate battery of two guns, and then the gate, before two o'clock in the afternoon, but not without proportionate loss, increased by his steady maintenance of that position.

"Quitman, within the city, adding several new defences to the position he had won, and sheltering his corps as well as practicable, now awaited the return of daylight under the guns of the formidable citadel, yet to be subdued.

"At about 4 o'clock next morning, September 14, a deputation of the city council waited upon me to report that the federal government and the army of Mexico had fled from the capital some three hours before, and to demand terms of capitulation in favor of the church, the citizens, and the municipal authorities. I promptly replied, that I would sign no capitulation; that the city had been virtually in our possession from the time of the lodgments effected by Worth and Quitman the day before; that I regretted the silent escape of the Mexican army; that I should levy upon the city

a moderate contribution, for special purposes; and that the American army should come under no terms, not *self-imposed*; such only as its own honour, the dignity of the United States, and the spirit of the age, should, in my opinion, imperiously demand and impose.

"At the termination of the interview with the city deputation, I communicated, about daylight, orders to Worth and Quitman to advance slowly and cautiously towards the heart of the city, and to occupy its stronger and more commanding points. Quitman proceeded to the great *plaza* or square, planted guards, and hoisted the colours of the United States on the national palace, containing the halls of congress and executive apartments of federal Mexico. In this grateful service, Quitman might have been anticipated by Worth, but for my express orders, halting the latter at the head of the *Alameda*, within three squares of that goal of general ambition. The capital, however, was not taken by any one or two corps, but by the talent, the science, the gallantry, the prowess of this entire army. In the glorious conquest, *all* had contributed — early and powerfully — the killed, the wounded, and *the fit for duty* — at Vera Cruz, Cerro Gordo, Contreras, San Antonio, Churubusco, (three battles,) the Molinos del Rey, and Chapultepec; as much as those who fought at the gates of Belen and San Cosme.

"Soon after we had entered, and were in the act of occupying the city, a fire was opened upon us from the flat roofs of the houses, from windows and corners of streets, by some two thousand convicts liberated the night before by the flying government; joined by, perhaps, as many Mexican soldiers, who had disbanded themselves and thrown off their uniforms. This unlawful war lasted more than twenty-four hours, in spite of the exertions of the municipal authorities, and was not put down till we had lost many men, including several officers, killed or wounded, and had punished the miscreants. Their objects were, to gratify national hatred; and, in the general alarm and confusion; to plunder the wealthy inhabitants, particularly the deserted houses. But families are now generally returning; business of every kind has been resumed, and the city is already tranquil and cheerful, under the admirable conduct (with exceptions very few and trifling) of our gallant troops."

The campaign which had been commenced by the advance from Puebla, was brought to a close by the capture and occupation of the city of Mexico. The little army of ten thousand five hundred, which had taken the field on the 7th of August, after having di-

minished, by sickness and the casualties of battle, more than one third of its effective numbers, on the 14th of September was within the enemy's capital, triumphant. It had marched from Puebla to Mexico, had turned the capital and presented itself in the rear, and had won the city in the battles of Contreras and Churubusco. Every military advantage which it had acquired was surrendered by the convention of Tacubaya to a doubtful prospect of negotiation. If its situation had been dangerous in its first attack, it was still more so, by many fold, when the second was about to be entered upon. Yet, in spite of all these obstacles, it had triumphed repeatedly, both in regaining the advantages which had been sacrificed, and in pursuing those regained, whenever it had been allowed the opportunity. It had fought through a bloody field in search of an uncertain object, but it had not failed to triumph even there, against every disadvantage. Opportunity had been lost, time thrown away, and, finally, it had attacked the strongest point, had carried it, and over such obstacles as are seldom encountered by an invading force, had borne the banner of its country to the palace of the supreme powers of Mexico.

In all these military operations, the unsurpassed valor of the soldiery, and the skill of the officers, had borne the burden which had been imposed, increased as it was by the sacrifice of all advantages, and by the effect of the mistaken confidence in the faith of a man noted for his perfidy, but in none more eminent, in none more successful, than in that by which he practised upon the American government, and the commander-in-chief of the American army.

But, against all untoward circumstances, this little army had now accomplished the mission on which it was sent. It had done more. It had not only "conquered a peace," but a very large piece of Mexico. It occupied and garrisoned, not the capital only, but nearly all the important posts on its various approaches. It held military possession of the country, and could now dictate its own terms of submission.

When the further defence of the capital was abandoned as hopeless, Santa Anna resigned the presidency, and withdrew with the remnant of his army to Guadalupe Hidalgo, resolved, in the impotence of his rage, to keep Mexico under his feet, if he could not conquer her enemies. Without an army he was nothing, and not much with one, except against his own unarmed countrymen. He had now nearly exhausted his resources. Driven from all his defences, on which he had expended so much toil, treasure, and skill, — a fugi-

tive from his capital, with the broken-down remnant of an army, without subsistence, without funds, or the means of obtaining them, except by military exactions from a people whose favour he was so ambitious to win, — what could he now hope to do? He had lost his last opportunity to bargain with the conquerors. He had lost nearly the last chance of intrigue at home. The confidence of the Mexicans in his skill and prowess was gone. He had no resort but, under pretence of annoying the enemy as much as possible, in all his future movements, to keep up a show of patriotism, and thus endeavour to revive his waning popularity, and keep his old rivals in the background. He still hoped to overawe the government to the adoption of his own measures, and thus virtually retain the dictatorship, which, from motives of policy, he had nominally resigned. He, accordingly, ordered a column of three thousand men, under General Herrera, to take position at Queretaro, which had been fixed upon as the temporary seat of government. A portion of his force was disbanded, for want of means to subsist it, and, with the remainder, composed principally of cavalry, Santa Anna marched upon Puebla. The American garrison at this place consisted of five hundred men, under the command of Colonel Childs, and eighteen hundred invalids. Surrounded by a population of eighty thousand Mexicans, and by a country infested with guerillas and banditti, who were excited to frenzy by the events of the war, this little band, though holding possession of the fortresses of the place, was actually for many weeks in a state of siege, and subject to every possible annoyance.

On the 22d September, Santa Anna arrived at Puebla, and was received with acclamations of joy by the citizens, who now hoped to overwhelm and annihilate the garrison. On the 25th, Santa Anna summoned the garrison to surrender, and received a peremptory refusal.* On the 27th, he made a feeble and unsuccessful

attempt to carry the fortress by assault, and then withdrew, with all his force, to Huamantla, with a view to annoying, and, if possible, cutting off the reinforcements to the American army, which were continually arriving at Vera Cruz, and marching, column after column, towards the capital, subject, in every defile and mountain pass, to all the annoyances and losses attendant on guerilla warfare. Driven from Huamantla by the unexpected approach of Colonel Lane, with his column, the Mexican forces fell back upon Atlitico, returning again to their former position as soon as Lane had passed, on his way to Puebla. Here the unfortunate general was deprived of his command, by order of the new government, just organized at Queretaro.*

army of eight thousand men, determined to cause the rights of this nation to be respected. God and liberty.

"ANTONIO LOPEZ DE SANTA ANNA,
General-in-Chief Mexican Army.

"Señor Colonel CHILDS,
Commander U. S. Forces in this city."

"I had the honour to receive this day (2 o'clock, P. M.) the note of your excellency, of this date, notifying me that you had taken possession of this city, and 'for the purpose of restoring to full liberty the citizens who have suffered so much from the troops of the United States,' and also offering the garrison certain terms in case they would, in a limited time, abandon the points occupied by the same.

"In regard to the first point, I deem it necessary and just, in vindication of the good name of the military forces of the United States, — which they have earned by the humanity, good order, and discipline which have at all times distinguished their conduct, and more particularly while holding military possession of the city of Puebla, — to deny the imputation conveyed in your excellency's communication; but, on the contrary, would assert that the rights of persons and property have been most scrupulously respected, and maintained to a degree unparalleled in warfare; and would willingly leave the question for the decision of the intelligent and impartial portion of the population of this city, by whom have they suffered most violence, from their own people or from troops of the army of the United States.

"As for the other portion of your excellency's communication, demanding a surrender, within a limited time, of the places held by the troops under my command, I have but this reply to make to your excellency; that having been honoured with the custody and safe-keeping of these places, it is alike my desire and my duty to maintain them to the last, feeling fully confident in the means at my disposal to accomplish that purpose.

"With consideration of high respect, I have the honour to be your excellency's most obedient servant,

"THOMAS CHILDS,
Colonel U. S. Army, Civil and Military Governor."

* The note addressed to Santa Anna, on this occasion, by Don Luis de la Rosa, minister of state and war, is so remarkable for its "indirect directness," that it may well be preserved as a model of diplomatic composition.

"His excellency, the señor provisional president of the republic, feeling profoundly his duties to the country; convinced of the necessity of establishing in the nation public morality, and of giving more energy to the discipline of the army, almost extinguished by our civil

* "Having taken possession of this city with the forces under my command, to operate against the points occupied by you, and for the purpose of restoring to full liberty the citizens who have suffered so much from the troops of the United States, I deem it proper, before making any movement, and for the sake of humanity, to intimate to your excellency that you shall have leave, within a limited time, to abandon the places you now occupy in this city, and march out with the honours of war, either to join General Scott, or to proceed to Perote, as may be most convenient for you. But, if this moderate proposition be not accepted by your excellency, I shall, in that case, with the deepest feeling, proceed to act in a military manner, and assault all of your positions, from the consequences of which your troops must suffer, inasmuch as there is in the vicinity of your excellency an

In obedience to this arrangement, Santa Anna retired to Tehuacan, leaving behind him an address to the army, replete with high-sounding protestations of patriotism, and charging the government with great wrong to the country, as well as injustice to himself, in thus displacing him from the command at the very moment, when, after so many disasters, he was about to obtain a triumph over the invaders. "I depart from you," he said, "and from the theatre of war, perhaps to sacrifice myself to the vengeance of my enemies, or to effect an inglorious peace, which I did not wish to grant, because it was repugnant to my conscience."

Volunteers and recruits for the army continued to arrive in considerable numbers at Vera Cruz, until the effective force under command of General Scott was nearly or quite doubled. But they had little to do but sit still. The work of conquest was already achieved. It was now an army of observation only. It sat quietly down, in the rich valley of Mexico, to watch the progress of events, and to give time to the prostrate republic to recover its vitality, and resume the functions of a body politic. The new recruits were distributed to different posts, so as to open and protect a clear line of communication with the coast, which had been seriously obstructed hitherto, for want of numbers sufficient to man the garrisons. With the exception of an occasional brush with a band of guerillas, or a sort of police encounter with a mob of *leperos*, the newly-arrived aspirants for military honour saw little or nothing of the rough side of war. Such adventures as they had, like that of the gallant Lally, in conducting his train to Puebla through swarms of desperate banditti, belong rather to personal than to national history.

The spectacle is rarely exhibited of a victorious army sitting down in the capital of a subjugated empire, holding possession of all its important fortresses, — its army of defence vanquished and scattered, its government disorganized, its whole population distracted by civil dissensions, — and there quietly awaiting the return of order, fostering the reunion of the social and civil elements, and protecting the reorganization of government, not for the purpose of holding the im-

dissensions; desiring, moreover, to manifest to the people of the city of Mexico, and other points now in possession of the enemy, that their lot is not indifferent to his excellency; considering, in fine, that in every well-organized country, the generals of an army answer before a tribunal for the faults which they have committed, and even for the misfortunes which have befallen their campaigns, — has resolved that your excellency deliver up the command of the army," &c. . . .

mense advantages its prowess had gained, but of treating for a just and honourable peace, on the same terms, now that it had unlimited power to dictate, which had been offered in the commencement of hostilities. If there is a redeeming feature in this war, if there is one page of its bloody history on which the philanthropist and the Christian may dwell with satisfaction, it is this which displays the humane moderation, the magnanimous forbearance of the conquering chief, as ready, at every step of his proud career of victory, to sheathe the sword, and grant liberal terms of peace, as to advance to new fields of conquest and glory. Men of military talent and experience have reviewed the acts of this war, bringing them all down to the test of the maxims of Napoleon and other merely despotic conquerors. Judging by this standard, and warped by personal or party prejudice, they have severely censured the more than heroic forbearance of General Scott, and the large sacrifices he made, at various times, in the hope of staying the work of death, and reopening negotiations for peace. Not only has his judgment been severely condemned, but his motives have been harshly impugned, and made the subject of sarcastic surmise and heartless innuendo. If, in all his previous career of military renown, he had not always shown the same exalted preference of peace over war, — if, from the beginning, the olive had not been liberally entwined with the laurel in the wreath of his fame, until he had come to be as well known by the title of "pacificator," as by the less enviable one of conqueror, — the imputation, now freely charged against him, of seeking popularity at home, by the mere show of moderation in the battle-fields of Mexico, and attempting to win favour as an office-seeking politician, by a gross dereliction of his duty as a soldier, would be less flagrantly mean and uncharitable. But, in view of his entire history in the service of his country, such insinuations are as paltry and contemptible as they are impolitic and unjust. Party rancor, personal pique, or sympathy with the wounded pride of some disappointed or injured subordinate, may seek, for a time, by such means, to detract from the lofty merit of acts whose motives it is incapable of appreciating. But impartial history will engrave its vindication on enduring tablets. And when the epitaph of the traduced shall be written, it will tell of a man who was no less moderate than brave, no less humane than heroic, no less ready to treat than able to fight, no less prompt to subdue himself than to conquer an enemy.

But there is a reverse to every picture. War is

fruitful in extravagant contrasts and painful incongruities. "No man is a hero to his *valet-de-chambre*." It would seem to be equally true that even a general is no hero to his subordinates. Like the comic after-piece, following the serious drama of the stage, and degrading to mere triflers and buffoons those who just before had appeared in great and imposing characters, the accompaniments and sequels of war serve often only as a foil to the glory which its principal actors have achieved, reducing quite down to the common level of poor humanity men who had just been looked upon as almost sublime in virtue and dignity. The great work of victory has been achieved. The stern requirements of actual warfare have given place to the dull routine of a mere camp life. The scene is changed. The after-piece is a petty family quarrel, in which every man is divided against his fellow. Jealousies, animosities, and bitter criminations take the place of the lofty courtesies of martial etiquette. Officers, on whose conduct the language of commendation had been exhausted in the official reports of yesterday, are to-day arrested and arraigned for some merely technical misdemeanor or oversight. The camp is metamorphosed into a criminal court, its docket as full of censures and complaints as the previous bulletins and reports had been of unqualified gratulation and praise. The war department, in a measure, participates in these personal disputes. The commander-in-chief is suddenly placed under censure, condemned, and displaced from his high command. The whole country, which but now rang with acclamations for the conquering chief, and his brave and able comrades, is rent with divisions and parties, each industriously plucking the plumes from one or other of their late heroes, and magnifying into beams every mote that could be discovered or imagined in their private or official history. Alas for the instability of human applause, and the gratitude of republics! The details of these matters, the wearisome doings of the courts martial, that occupied nearly as much time as the war had done, and consumed no small amount of the national treasure, belong, perhaps, to biography, rather than to history. But the occurrence of such scenes, and the lessons they teach, are within the proper domain of history. They are among the essential elements of war, and show us, not only that "there is but a step between the sublime and the ridiculous," but that war is, in itself and in its accompaniments, hostile to true greatness, and favourable mainly to what is low, and mean, and selfish in man. It cultivates revenge, hatred, pride, cruelty, cunning,

jealousy, and every species of insolence and injustice. Its fundamental principle is the false and despotic maxim that "might gives right." It merges all moral distinctions in that of physical power, and triumphs as boastingly when trampling on Poland, Hungary, or Italy, or invading the soil of Mexico, as when resisting oppression at Saratoga or Yorktown, or defending the altars of freedom at Lexington or Bunker' Hill. It cherishes those notions of personal honor, individual importance, and official distinction, which almost compel every man to be jealous of his fellow, and leads to endless disputes, among comrades, about the mere technicalities of a service which professes to have nothing in view but the rights and the glory of the country whose cause it supports.

The voluminous correspondence of the principal actors in this war exhibits, in ludicrous and painful contrast, the greatness and the littleness of human pride — the strength and the weakness of human character. There is no true dignity but in following the maxims of the gospel. To assert among comrades the nice distinctions between *meum* and *tuum*, to resent an official injury, to repel a technical insult, may be soldier-like and correct, but it is neither heroic, dignified, nor manly.

It is but justice to remark, in this connection, that the correspondence on the part of the war department is characterized by great ability, dignity, and courtesy, and contrasts favourably with the querulousness and severity of some portions of that of the commanding general. While unjust to him in many respects, and assuming a knowledge of events and of the exigencies of war which he only could be presumed to possess, Mr. Marcy maintained the highest style of diplomatic courtesy in all his communications, and exhibited a knowledge of the whole subject with which he had to do, that was not to be expected of a mere civilian. If political jealousy had not required the cabinet to keep steady hold of the leash, its part in this great drama would have been more worthy of the nation, and more entitled to respect.

As soon as the new government was organized at Queretaro, negotiations were reopened, by Mr. Trist, for the adjustment of all difficulties between the two nations. He had not proceeded far, however, in his preliminaries, when he was suddenly recalled, and his powers as commissioner revoked. He had given offence to the cabinet of Washington by admitting into the convention of Tacubaya a clause which threw a shade of doubt over the title of Texas to *all* the territory east

of the Rio Grande. So flagrant a departure from his instructions was not to be overlooked. He was no longer to be trusted with the high prerogatives of a commissioner. He was recalled, and no substitute provided. Even at this juncture, General Scott was not invested with any authority whatever to make terms of peace. He was simply instructed to transmit to Washington whatever propositions he might receive from the Mexican government, and by no means to relax, or change, in the interim, his "movements, or measures, for carrying on hostilities." With such instructions, General Scott might well have imitated the conduct of the great Macedonian, and wept for another Mexico to conquer. It was already at his feet, suing for peace. Negotiations were happily begun. And, whatever mere diplomatists may say of the propriety of the course, Mr. Trist assumed the responsibility, though deprived of all official authority, to carry them on to their completion. The result was a treaty of peace,* which General Scott also "took the responsi-

bility" of forwarding to Washington. It was received by the government with no little indignation, as well against the general-in-chief, who presumed to transmit the unauthorized document, as against the audacious nondescript, who, when stripped of all power to represent his government, or speak in its behalf, had dared to draw it up, and set his name to it as commissioner plenipotentiary. The treaty was received at Washington on the 20th of February. It was in no way binding on the United States. It was a simple compact between a private citizen of the country and the commissioners of Mexico. But, considering that those commissioners had been duly authorized to act for their own government, and had acted with a full knowledge of Mr. Trist's position, the president regarded the treaty as binding upon Mexico as any unratified treaty could be. Its terms were, for the most part, the same as those contained in the original *projet*, which was prepared at Washington, and which alone Mr. Trist was authorized to submit. The fact that such a treaty

* "*Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic. Dated at Guadalupe Hidalgo, February 2, 1848; ratified by the President of the United States, March 16, 1848; exchanged at Queretaro, May 30, 1848; proclaimed by the President of the United States, July 4, 1848.*"

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

"A PROCLAMATION.

"Whereas, a treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic, was concluded and signed at the city of Guadalupe Hidalgo, on the second day of February, one thousand eight hundred and forty-eight, which treaty, as amended by the senate of the United States, and being in the English and Spanish languages, is word for word as follows:—

"In the name of the Almighty God: the United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of the Almighty God, the author of peace, arranged, agreed upon, and signed the following

"*Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic.*

"ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

"ARTICLE II. Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or com-

missioners, appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

"ARTICLE III. Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican republic, to the points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom-houses, at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debts for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the government of the Mexican republic; and also on account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of the ratifications.

"The evacuation of the capital of the Mexican republic by the

had been definitively agreed upon had been published in Mexico, and was well known in the United States. The people approved of it. They were entirely satis-

troops of the United States, in virtue of the above stipulations, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner, if possible.

"ARTICLE IV. Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States, during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitely restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

"The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner, if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

"If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

"All prisoners of war, taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed, that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the United States will exact the release of such captives, and cause them to be restored to their country.

"ARTICLE V. The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea, from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico, thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects the first branch of the River Gila, (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said

fied with what they had already accomplished. They were either tired or ashamed of the war, and eager for peace. They demanded the ratification of the treaty.

river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California to the Pacific Ocean.

"The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled 'MAP OF THE UNITED MEXICAN STATES, as organized and defined by various acts of the congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell.' Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distance one marine league due south of the southernmost point of the port San Diego, according to the plan of said port made in the year 1782, by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

"In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

"The boundary line, established by this article, shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

"ARTICLE VI. The vessels and citizens of the United States shall, in all times, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican government.

"If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

"ARTICLE VII. The River Gila, and the part of the Rio Bravo del Norte, lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both

It was, accordingly, transmitted to the senate on the 23d of February, and by them ratified, with amendments, on the 10th of March. Commissioners were

countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

"The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

"ARTICLE VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

"In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample, as if the same belonged to the citizens of the United States.

"ARTICLE IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and, in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

"ARTICLE X. [Stricken out.]

"ARTICLE XI. Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

"It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican or any

immediately appointed, with full powers, to proceed to Queretaro, and exchange ratifications with the Mexican government. This was done, in due

foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

"And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be; but if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

"For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care should be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States has solemnly obliged themselves to restrain.

"ARTICLE XII. In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

"Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same, at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

"ARTICLE XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due them and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirteenth day of January, eighteen hundred and forty-three; so that the Mexican republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

form, on the 30th of May. Thus ended the war in Mexico.

The results of this war, in a moral and statistical

"ARTICLE XIV. The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

"ARTICLE XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive: *provided*, that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

"If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as congress may designate, make an application in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the secretary of state of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said secretary of state, who shall immediately deliver them over to the said board of commissioners: *provided*, that no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

"ARTICLE XVI. Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

"ARTICLE XVII. The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. one thousand eight hundred and thirty-one, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

"ARTICLE XVIII. All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and

view, have already been alluded to. Who can estimate them? Its advantages to the United States are thus summed up by the president, in his message to

vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempt at a fraudulent abuse of this stipulation which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

"ARTICLE XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:—

"1st. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

"2d. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

"3d. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

"4th. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

"5th. But if any merchandise, effects, or property described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

"6th. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contributions whatever.

"With respect to the metals or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-houses at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such

the thirtieth congress, at the opening of its second session, on the 5th of December, 1848:—

“One of the most important results of the war into

exportation, or in any manner to account for the same to the said authorities.

“ARTICLE XX. Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the date of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

“ARTICLE XXI. If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representation and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference or the circumstances of the case.

“ARTICLE XXII. If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules; absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:—

“I. The merchants of either republic then residing in the other shall be allowed to remain twelve months for those dwelling in the interior, and six months for those dwelling at the seaports, to collect their debts and settle their affairs, during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hinderance; conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burned or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events

which we were recently forced with a neighbouring nation, is the demonstration it has afforded of the military strength of our country. Before the late war with

of war; they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

“II. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons, nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

“And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

“ARTICLE XXIII. This treaty shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the Mexican republic, with the previous approbation of its general congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of government in Mexico, in four months from the date of the signature thereof, or sooner if practicable.

“In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate,

Mexico, European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation, and of our ability to prosecute war, and especially a war waged out of our own country. They saw that our standing army on the peace establishment did not exceed ten thousand men. Accustomed themselves to maintain in peace large standing armies, for the protection of thrones against their own subjects, as well as against foreign enemies, they had not conceived that it was possible for a nation without such an army, well disciplined and of long service, to wage war successfully. They held in low repute our militia, and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late war with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war has demonstrated, that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to draughts or conscriptions. On the contrary, such was the number of volunteers who

patriotically tendered their services, that the chief difficulty was in making selections, and determining who should be disappointed and compelled to remain at home. Our citizen-soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits; of farmers, lawyers, physicians, merchants, manufacturers, mechanics, and labourers; and this, not only among the officers, but the private soldiers in the ranks. Our citizen-soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle and use fire-arms; and a large proportion of them, especially in the western and more newly-settled states, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle, each private man, as well as every officer, fights not only for his country, but for glory and distinction among his fellow-citizens when he shall return to civil life.

"The war with Mexico has demonstrated not only the ability of the government to organize a numerous army upon a sudden call, but also to provide it with all the munitions and necessary supplies with despatch, convenience, and ease, and to direct its operations with efficiency. The strength of our institutions has not only been displayed in the valour and skill of our troops engaged in active service in the field, but in the organization of those executive branches which were charged with the general direction and conduct of the war. While too great praise cannot be bestowed upon the officers and men who fought our battles, it would be unjust to withhold from those officers necessarily stationed at home, who were charged with the duty of furnishing the army, in proper time and at proper places, with all the munitions of war and other supplies so necessary to make it efficient, the commendation to which they are entitled. The credit due to this class of our officers is the greater, when it is considered that no army in ancient or modern times was ever better appointed or provided than our army in Mexico. Operating in an enemy's country, removed two thousand miles from the seat of the federal government, its different corps spread over a vast extent of territory, hundreds, and even thousands of miles apart from each other, nothing short of the untiring vigilance and extraordinary energy of these officers could have enabled them to provide the army at all points, and in

at the city of Guadalupe Hidalgo, on the 2d day of February, in the year of our Lord one thousand eight hundred and forty-eight.

"N. P. TRIST, [L. S.]

"LUIS G. CUEVAS, [L. S.]

"BERNARDO COUTO, [L. S.]

"MIGL. ATRISTAIN. [L. S.]

"And whereas, the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, commissioners on the part of the government of the United States, and by Señor Don Louis de la Rosa, minister of relations of the Mexican republic, on the part of that government,—

"Now, therefore, be it known, that I, James K. Polk, president of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

"In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

"Done at the city of Washington, this fourth day of July, one [L. S.] thousand eight hundred and forty-eight, and of the independence of the United States the seventy-third.

"JAMES K. POLK.

"By the President:

"JAMES BUCHANAN, Secretary of State."

proper season, with all that was required for the most efficient service.

"The war with Mexico has thus fully developed the capacity of republican governments to prosecute successfully a just and necessary foreign war with all the vigour usually attributed to more arbitrary forms of government. It has been usual for writers on public law to impute to republics a want of that unity, concentration of purpose, and vigour of execution, which are generally admitted to belong to the monarchical and aristocratic forms; and this feature of popular government has been supposed to display itself more particularly in the conduct of a war carried on in an enemy's territory. The war with Great Britain, in 1812, was, to a great extent, confined within our own limits, and shed but little light on this subject. But the war which we have just closed by an honourable peace evinces, beyond all doubt, that a popular representative government is equal to any emergency which is likely to arise in the affairs of a nation.

"The war with Mexico has developed most strikingly and conspicuously another feature in our institutions. It is that, without cost to the government or danger to our liberties, we have in the bosom of our society of freemen, available in a just and necessary war, virtually a standing army of two millions of armed citizen-soldiers, such as fought the battles of Mexico.

"But our military strength does not consist alone in our capacity for extended and successful operations on land. The navy is an important arm of the national defence. If the services of the navy were not so brilliant as those of the army in the late war with Mexico, it was because they had no enemy to meet on their own element. While the army had opportunity of performing more conspicuous service, the navy largely participated in the conduct of the war. Both branches of the service performed their whole duty to the country. For the able and gallant services of the officers and men of the navy — acting independently as well as in coöperation with our troops — in the conquest of the Californias, the capture of Vera Cruz, and the seizure and occupation of other important positions on the Gulf and Pacific coasts, the highest praise is due. Their vigilance, energy, and skill rendered the most effective service in excluding munitions of war and other supplies from the enemy, while they secured a safe entrance for abundant supplies for our own army. Our extended commerce was nowhere interrupted; and for this immunity from the evils of war, the country is indebted to the navy

"The great results which have been developed and brought to light by this war will be of immeasurable importance in the future progress of our country. They will tend powerfully to preserve us from foreign collisions, and to enable us to pursue uninterruptedly our cherished policy of 'peace with all nations, entangling alliances with none.'

"Occupying, as we do, a more commanding position among nations than at any former period, our duties and our responsibilities to ourselves and to posterity are correspondingly increased. This will be the more obvious when we consider the vast additions which have been recently made to our territorial possessions, and their great importance and value.

"Within less than four years, the annexation of Texas to the Union has been consummated; all conflicting title to the Oregon Territory south of the forty-ninth degree of north latitude, being all that was insisted on by any of my predecessors, has been adjusted; and New Mexico and Upper California have been acquired by treaty. The area of these several territories, according to a report carefully prepared by the commissioner of the general land office from the most authentic information in his possession, and which is herewith transmitted, contains one million one hundred and ninety-three thousand and sixty-one square miles, or seven hundred and sixty-three million five hundred and fifty-nine thousand and forty acres; while the area of the remaining twenty-nine states, and the territory not yet organized into states, east of the Rocky Mountains, contains two million fifty-nine thousand five hundred and thirteen square miles, or thirteen hundred and eighteen million one hundred and twenty-six thousand and fifty-eight acres. These estimates show that the territories recently acquired, and over which our exclusive jurisdiction and dominion have been extended, constitute a country more than half as large as all that which was held by the United States before their acquisition. If Oregon be excluded from the estimate, there will still remain within the limits of Texas, New Mexico, and California, eight hundred and fifty-one thousand five hundred and ninety-eight square miles, or five hundred and forty-five million twelve thousand seven hundred and twenty acres; being an addition equal to more than one third of all the territory owned by the United States before their acquisition; and, including Oregon, nearly as great an extent of territory as the whole of Europe, Russia only excepted. The Mississippi, so lately the frontier of our country, is now only its centre. With the

addition of the late acquisitions, the United States are now estimated to be nearly as large as the whole of Europe. It is estimated by the superintendent of the coast survey, in the accompanying report, that the extent of the sea-coast of Texas, on the Gulf of Mexico, is upwards of four hundred miles; of the coast of Upper California, on the Pacific, of nine hundred and seventy miles; and of Oregon, including the Straits of Fuca, of six hundred and fifty miles; making the whole extent of sea-coast on the Pacific one thousand six hundred and twenty miles, and the whole extent on both the Pacific and the Gulf of Mexico two thousand and twenty miles. The length of the coast on the Atlantic, from the northern limits of the United States, around the capes of Florida to the Sabine, on the eastern boundary of Texas, is estimated to be three thousand one hundred miles; so that the addition of sea-coast, including Oregon, is very nearly two thirds as great as all we possessed before; and, excluding Oregon, is an addition of one thousand three hundred and seventy miles; being nearly equal to one half of the extent of coast which we possessed before these acquisitions. We have now three great maritime fronts,—on the Atlantic, the Gulf of Mexico, and the Pacific,—making in the whole an extent of sea-coast exceeding five thousand miles. This is the extent of the sea-coast of the United States, not including bays, sounds, and small irregularities of the main shore, and of the sea islands. If these be included, the length of the shore line of coast, as estimated by the superintendent of the coast survey in his report, would be thirty-three thousand and sixty-three miles.

“It would be difficult to calculate the value of these immense additions to our territorial possessions. Texas, lying contiguous to the western boundary of Louisiana, embracing within its limits a part of the navigable tributary waters of the Mississippi and an extensive sea-coast, could not long have remained in the hands of a foreign power without endangering the peace of our south-western frontier. Her products in the vicinity of the tributaries of the Mississippi must have sought a market through these streams, running into and through our territory; and the danger of irritation and collision of interests between Texas, as a foreign state, and ourselves would have been imminent, while the embarrassments in the commercial intercourse between them must have been constant and unavoidable. Had Texas fallen into the hands, or under the influence and control, of a strong maritime or military foreign power,

as she might have done, these dangers would have been still greater. They have been avoided by her voluntary and peaceful annexation to the United States. Texas, from her position, was a natural and almost indispensable part of our territories. Fortunately, she has been restored to our country, and now constitutes one of the states of our confederacy, ‘upon an equal footing with the original states.’ The salubrity of climate, the fertility of soil, peculiarly adapted to the production of some of our most valuable staple commodities, and her commercial advantages, must soon make her one of our most populous states.

“New Mexico, though situated in the interior and without a sea-coast, is known to contain much fertile land, to abound in rich mines of the precious metals, and to be capable of sustaining a large population. From its position, it is the intermediate and connecting territory between our settlements and our possessions in Texas, and those on the Pacific coast.

“Upper California, irrespective of the vast mineral wealth recently developed there, holds at this day, in point of value and importance to the rest of the Union, the same relation that Louisiana did when that fine territory was acquired from France forty-five years ago. Extending nearly ten degrees of latitude along the Pacific, and embracing the only safe and commodious harbors on that coast, for many hundred miles, with a temperate climate and an extensive interior of fertile lands, it is scarcely possible to estimate its wealth until it shall be brought under the government of our laws, and its resources fully developed. From its position, it must command the rich commerce of China, of Asia, of the islands of the Pacific, of Western Mexico, of Central America, the South American States, and of the Russian possessions bordering on that ocean. A great emporium will doubtless speedily arise on the Californian coast, which may be destined to rival in importance New Orleans itself. The depot of the vast commerce which must exist on the Pacific will probably be at some point on the Bay of San Francisco, and will occupy the same relation to the whole western coast of that ocean as New Orleans does to the Valley of the Mississippi and the Gulf of Mexico. To this depot our numerous whale ships will resort with their cargoes, to trade, refit, and obtain supplies. This, of itself, will largely contribute to build up a city, which would soon become the centre of a great and rapidly increasing commerce. Situated on a safe harbour, sufficiently capacious for all the navies as well as the

marine of the world, and convenient to excellent timber for ship-building, owned by the United States, it must become our great western naval depot.

"It was known that mines of the precious metals existed to a considerable extent in California at the time of its acquisition. Recent discoveries render it probable that these mines are more extensive and valuable than was anticipated. The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarcely command belief, were they not corroborated by the authentic reports of officers in the public service, who have visited the mineral district, and derived the facts which they detail from personal observation. Reluctant to credit the reports in general circulation as to the quantity of gold, the officer commanding our forces in California visited the mineral district in July last, for the purpose of obtaining accurate information on the subject. His report to the war department of the result of his examination, and the facts obtained on the spot, is herewith laid before congress. When he visited the country, there were about four thousand persons engaged in collecting gold. There is every reason to believe that the number of persons so employed has since been augmented. The explorations already made warrant the belief that the supply is very large, and that gold is found at various places in an extensive district of country.

"Information received from officers of the navy and other sources, though not so full and minute, confirm the accounts of the commander of our military force in California. It appears, also, from these reports, that mines of quicksilver are found in the vicinity of the gold region. One of them is now being worked, and is believed to be among the most productive in the world."

The discovery and partial development of the immense mineral wealth of California, at the very moment when it was passing into the possession of the United States, promised to produce as powerful an effect upon the American mind as that of the New World did upon the Old, when its marvellous riches were exposed by Columbus. From east to west, from north to south, the spirit of emigration moved on the hearts of the people. It seized the old as well as the young. It pervaded city and country, mountain, glen, and valley. It decimated the ranks of every profession. In almost every town and village, throughout the land, adventurers started up, associations were formed, and eager companies, of hopeful, ardent, en-

thusiastic pioneers, who resolved on seeing for themselves the modern El Dorado. The highways and thoroughfares in every part of the land were alive with the moving multitudes, seeking a place of departure. The wharves of the seaports were thronged with impatient expectants, who were willing to pay any price for a passage, and submit to any privations and hardships by the way, so that, by some means, they could reach the golden shore. Ships were every where in the greatest demand. A system of crowding and packing, second only to that so notorious in the African trade, did not deter or dishearten the adventurers. Band after band they hurried away, some for the short cut by the Isthmus of Panama, some for the dreary and exhausting overland route, and some to double the cape, with all the tedium and discomfort of a five months' voyage. Their name was legion. Inexperienced in travel, uninured to the hardships and privations of a pioneer life, poorly provided with even the necessaries for the voyage, thousands left their homes only to die by the way, or to seize the first opportunity to return. Of two hundred thousand, who are estimated to have gone to California from the United States, about forty thousand have died, and twenty-five thousand returned sick, or discouraged by the hardships of a life of which they had not only no experience, but no idea.

The war in Mexico, while productive of great advantages to the United States, was also fruitful in difficult problems and troublesome political questions. An immense territory had been acquired. It was now to be organized and governed. In effecting this, sectional interests were to be adjusted, and political differences harmonized, the management of which required more tact, wisdom, and true generalship, than the conquest of a world. Every element of discord in the nation was to be stirred up, agitated, and invested with individuality and life. The integrity of the Union was to be threatened, and all the blessings and privileges purchased by the revolution of '76, and secured and consolidated by a career of national prosperity and happiness unparalleled in the history of the world, were to be jeopardized in the strife of party. The insatiable appetite for territory, over which to spread the dominion of slavery, was only to be appeased by the monopoly of every acre of the conquered provinces. No sooner was peace established in Mexico, than the gauntlet was thrown down at Washington, for a three years' war of words.

In his message of December, 1848, the president

urged upon congress the immediate establishment of territorial governments, in all the newly-acquired possessions.

"The existing condition of California," said he, "and of that part of New Mexico lying west of the Rio Grande, and without the limits of Texas, imperiously demand that congress should, at its present session, organize territorial governments over them.

"Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders, by virtue of the rights of war, ceased to derive any obligatory force from that source of authority; and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist. Impressed with the necessity of establishing territorial governments over them, I recommended the subject to the favourable consideration of congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants, by the transfer of their country, had become entitled to the benefits of our laws and constitution, and yet were left without any regularly-organized government. Since that time, the very limited power possessed by the executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before congress would again assemble and could legislate on the subject.

"It is our solemn duty to provide, with the least practicable delay, for New Mexico and California, regularly-organized territorial governments. The causes of the failure to do this at the last session of congress are well known, and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or to reject these advantages, by the agitation of a domestic question which is coeval with the existence of our government itself, and to endanger by internal strifes, geographical divisions, and

heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated states; that Union which binds us together as one people, and which for sixty years has been our shield and protection against every danger. In the eyes of the world, and of posterity, how trivial and insignificant will be all our internal divisions and struggles, compared with the preservation of this Union of the states in all its vigour and with all its countless blessings! No patriot would foment and excite geographical and sectional divisions. No lover of his country would deliberately calculate the value of the Union. Future generations would look in amazement upon the folly of such a course. Other nations of the present day would look upon it with astonishment, and such of them as desire to maintain and perpetuate thrones and monarchical or aristocratical principles will view it with exultation and delight, because in it they will see the elements of faction, which they hope must ultimately overturn our system. Ours is the great example of a prosperous and free self-governed republic, commanding the admiration and the imitation of all the lovers of freedom throughout the world. How solemn, therefore, is the duty, how impressive the call upon us, and upon all parts of our country, to cultivate a patriotic spirit of harmony, of good fellowship, of compromise and mutual concession, in the administration of the incomparable system of government formed by our fathers in the midst of almost insuperable difficulties, and transmitted to us, with the injunction that we should enjoy its blessings and hand it down unimpaired to those who may come after us!

"In view of the high and responsible duties which we owe to ourselves and to mankind, I trust you may be able, at your present session, to approach the adjustment of the only domestic question which seriously threatens, or probably ever can threaten, to disturb the harmony and successful operations of our system.

"The immensely valuable possessions of New Mexico and California are already inhabited by a considerable population. Attracted by their great fertility, their mineral wealth, their commercial advantages, and the salubrity of the climate, emigrants from the older states, in great numbers, are already preparing to seek new homes in these inviting regions."

Pending the settlement of these difficult questions, others of a more ordinary character were to be adjusted. Absorbed as the government and the nation had been in the prosecution of the war, it moved quietly on in the ordinary channels of legislation and business.

The sub-treasury of Mr. Van Buren's administration, which had been repealed at the extra session, in 1841, was revived and reestablished in 1846. In the same year, a warehousing system, arranged and adjusted by Mr. Walker, then secretary of the treasury, was brought forward and adopted. It provided that the duties on all imported goods, wares, or merchandise, should be paid in cash; and that goods upon which the duties were not paid should be taken possession of by the collector, and deposited in public stores at the risk of the owner, and subject at all times to his order, upon the payment of the proper duties and expenses. In case the goods should remain in the storehouse more than one year without the payment of the duties, then they are to be appraised, and sold by the collector at public auction. Within one year after the goods are deposited in the public storehouse, they may be withdrawn and transported to any other port of entry.

Previous to the passage of that act, the warehouse system was in existence, although the laws which regulated it were not so simple and well defined as the bill of 1846. Indeed, the principle was established as early as 1799, and was enlarged or contracted at various periods since the adoption of the constitution, for the benefit of the commercial interest. The effect of the bill is to give an extension of credit to the importer, who would otherwise, under the new system of cash duties, be required to pay the duties upon his merchandise as soon as it was landed.

The subject of internal improvements was another question which vexed the legislation of this period, and called forth an executive veto. To facilitate the vast internal commerce of the country, it was necessary to remove obstructions from many of its rivers, and to improve, in various ways, many of the harbours upon its extended sea and lake coast. To effect these objects in the most unexceptionable manner, representing equally and harmoniously all the interests of every section, a great convention had been held at Chicago. The subject had, also, been thoroughly discussed in the papers; and the people were fully convinced and ready to act. A well-adjusted bill, passed after ample deliberation and discussion, by large majorities of both houses of congress, in 1846, was defeated by the act of the president.

In the following year, another bill, appropriating nearly a million of dollars to the same object, passed both houses by large majorities, and was defeated in the same manner, by an executive veto.

The postal arrangements of the United States under-

went large alterations during the administration of Mr. Polk. In imitation of the great English reform, though yet far behind it, the rates of postage were reduced, in 1845, to five cents on every single letter, of half an ounce, for any distance under three hundred miles, and ten cents for any greater distance. This change, which is most acceptable to the people, has more than realized the anticipations of its supporters. It met with great opposition, on the ground that, in a country of such vast extent, and having so much sparsely-occupied territory, the receipts of the department would fall short of its expenses. The result has already proved the futility of this objection; and there can be no doubt that a still further reduction would be followed by a similar result. We look to see the postage reduced to a uniform rate of two cents per half ounce, for all distances. It can be done, beyond a question, without risk to the department. And, even if it could not, the great public benefit would more than justify the experiment. The post-office department is but one branch of the public service, and, when the public good demands it, is as well entitled to an appropriation from the treasury, as the army or the navy. It is an arbitrary maxim, intelligible only to statesmen and legislators, that the post-office department should pay its own expenses. To the common sense of the common people, who here are the true sovereigns, the only rule applicable to the case is that which recognizes the government, in all its departments alike, as a mere agency for the general good, and bound only to consult the greatest good of the greatest number. To require any part of the system to support itself, by taxing the people, while all the other parts are only a tax upon the common treasury, is to make a distinction without a difference.

At the same time that this important step was taken in the reduction of the rates of postage, arrangements were also made for the regular transmission of the mails—to Great Britain, France, Germany, and other foreign countries. Contracts were entered into, by the department, with the principal merchants engaged in the packet lines to various parts of the world, who immediately undertook to carry the arrangement into effect. The result has been, an entire new class of ocean steamers, which are an honour to the country and the age. A noble competition for speed, regularity, and system, in the departure and return of these leviathan carriers, has arisen between the English and American lines, which insures to the public, on both sides of the Atlantic, the best results which ample

means, well-directed energy, and a laudable ambition to excel, can achieve.

The claims of American citizens for French spoliations, prior to 1800, were revived at this period. The history of those claims is brief and simple. In consequence of the ready aid which France afforded the United States in the struggle for independence, a treaty was entered into between the two nations, by the terms of which the United States were bound to assist in protecting the French colonies from aggressions. Soon after the adoption of the constitution, and before the government had acquired the means of maintaining a naval warfare, England declared war against France, and attacked her West India possessions. France called upon the United States to fulfil the treaty stipulations, and come to her defence; in other words, to make war upon England. Without a navy, and almost without a treasury, this was impossible. It was deemed wiser and better to break an engagement with an ally, than to involve the country in a fresh war, without any sufficient means of carrying it on. The United States, therefore, abandoned the treaty, as the best choice between two evils. France, in retaliation, made large reprisals upon American commerce, which had then begun to whiten the Atlantic. These spoliations were afterwards ascertained to amount to about ten millions of dollars. Thousands of merchants, just started in a career of prosperity, were ruined, having lost their all at a single blow. Commerce was paralyzed for a time. At the close of the war, an adjustment was attempted between the two nations. The whole subject was ably and thoroughly canvassed, and the result was, a relinquishment, on the part of France, of her claims upon the United States, *on condition that the United States should assume and pay the claims of her own citizens against France.* This was solemnly agreed to, and France was honourably released from all obligation to make good these heavy spoliations. Having by her own act, and for her own benefit, deprived the sufferers of all right to seek redress from France, it was but common honesty that the United States government should pay the debt out of her own treasury. Her treasury was then exceedingly low. A heavy debt, incurred in the war of the revolution, embarrassed it, and this act of justice to her own citizens was consequently delayed. It has often been revived. Fourteen times a report has been made, by the appropriate committee, in favor of redeeming the national promise. Bill after bill, for this purpose, has passed one house of congress, and been defeated

or overlooked in the other. By what show of argument, or pretence of honesty, it has been so long delayed, and so often set aside, it is difficult to imagine. All similar claims have been adjusted and paid, almost without discussion. This alone, seemingly for no other reason than because it is an old one, has been refused. A subsequent claim of precisely the same nature against France has been urged and insisted on, even to an open menace of war in case of further delay. And there can be no room for doubt, that every dollar of this claim, if it had still remained good against the original spoiler, would long since have been enforced at the cannon's mouth. By what system of ethics our American legislators justify their refusal in this case to pay a debt which they voluntarily, and for their own benefit, assumed, and from which, without the consent of the creditors, they released the original debtor, has never been made to appear. During the administration of Mr. Polk, a new attempt was made to do justice to the claimants, who, for half a century, had been seeking redress in vain. A bill was carried through both houses of congress, authorizing the payment of five millions of dollars, in public lands. Though this sum was less than half the original claim, and though the mode of payment was but giving a stone where bread was due, the eager claimants, who had long despaired of even a hearing for their case, were willing to accept it. But they had yet another disappointment to meet. The president vetoed the bill. His only reason for so doing was, that being then at war with a foreign nation, all the resources of the government were required to carry it on; thus not only withholding from those who had grown gray in want a mere acknowledgment of their claim, but making one wrong an apology and pretext for doing another.

The treaty of peace, and the acquisition of a large portion of Mexican territory had not put an end to the war. It had only transferred it from the Mexican to the American soil. Even before peace was "conquered," and territory acquired, a warm party strife arose with reference to the due division of the spoils. The acquisition had been sought by the administration, mainly with a view to the extension of slavery, and the southern interest wished to swallow it all up. This the north felt bound to prevent, if possible, having a sound and immovable position in the fact, that, as slavery had been abolished in Mexico, the territory was then free, and the inhabitants all opposed to a change. The agitation was great, and constantly in-

creasing in violence. It gave rise, in 1846, to the celebrated "Wilmot Proviso," which has not only given a world-wide notoriety to an otherwise undistinguished individual, but furnished an inexhaustible theme for party declamation and bitter personal invective. During the first session of the twenty-ninth congress, a bill was introduced into the house of representatives, appropriating two million dollars for the purpose of defraying any extraordinary expenses which might be incurred in the intercourse between the United States and foreign nations. This appropriation was desired to enable the president to obtain California in any treaty which might be concluded between the two countries. To this bill Mr. David Wilmot, of Pennsylvania, proposed the following proviso:—

"Provided, That, as an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any treaty that may be negotiated between them, and to the use by the executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

This, though sustained in the house, was rejected in the senate, and caused the defeat of the bill. An appropriation of three million dollars, for the same object, was proposed at the subsequent session, to which the same proviso was again attached by the house, and rejected by the senate. The bill, thus amended, was returned to the house, which receded from its position, and passed the appropriation without restriction.

This was but the beginning of a conflict of unparalleled bitterness and severity in the history of America. It destroyed some valuable lives. It threatened more, even in the senate-house. And more than that, it threatened the dissolution of the Union. But it will pass away, and be forgotten,—like one of those blustering wind-clouds, which sweep over the land in summer, having all the fierceness and blackness of a thunder-cloud, but none of its terrific flashes or irresistible bolts.

During the administration of Mr. Polk, two new states were admitted into the Union—Iowa on the 28th of December, 1846, and Wisconsin on the 3d of March, 1847. A territorial government was also established in Oregon in August, 1848. In this the Wilmot Proviso was inserted. An effort was made in the senate to assign, as a reason for this concession, the fact that the country lay north of 36° 30', and thus to recognize, if not to reenact, the Missouri compromise.

But it was unsuccessful. The bill passed, and was approved, with the dreaded clause in full effect. How the president could answer it to his conscience to approve a bill containing a provision, which he, in common with all the south, declared to be flagrantly unconstitutional, it is difficult to comprehend. If slavery has "natural boundaries" and local limits, conscience and the constitution have none. To exclude any institution, or any branch of business, from one section, by legislative enactment, and to hold it treason to the constitution even to attempt the same exclusion in another section, is a puerile evasion of the whole question at issue. The tone and temper of the parties, in this discussion, may be gathered from a brief extract from the speeches of their two great leaders.

Mr. Webster admitted the propriety of the establishment of a territorial government in Oregon, and was willing to vote for this bill as it came from the house. If amended as now proposed, he would not be able to vote for it. He recited the words of the section, and said, the amendment proposed gave a reason for the application of the principle of the ordinance of 1787 to the territory of Oregon. When a single reason was given for any act, it was intended to be inferred that there were no other reasons. The territory of Oregon was above the line of the Missouri compromise. His objection to slavery was irrespective of lines and points of latitude: it took in the whole country and the whole question. He was opposed to it in every shape and in every qualification, and was against any compromise of the question.

Mr. Calhoun said he should vote against the amendment, because he regarded it as ambiguous, and he was against all ambiguity. Again, he opposed it because the north could not be more determined to exclude the south, than he was to resist such exclusion. He would be as firm in maintaining his ground as northern senators were in maintaining theirs. A majority would always be able to carry their views; but here a minority, aided by a few of the majority, attempted to impose on the south restrictions which could not be submitted to.

In July, 1846, the county and town of Alexandria, embracing all that portion of the District of Columbia which lay south of the Potomac, except so much as was covered by buildings belonging to the United States, was retroceded to the state of Virginia.

The election of 1848 was one of deep and pervading interest, and was warmly contested. All the exciting questions which had so recently agitated the country were involved in it. Among them, that of slavery

extension was the most absorbing. Mr. Cass, of Michigan, for president, and General Butler, of Georgia, for vice-president, were the democratic candidates; and General Taylor, of Louisiana, for president, and Mr. Fillmore, of New York, for vice-president, were the candidates of the whig party. It is a singular circumstance, in this contest, that the whigs, who, as a party, were opposed to the extension of slavery in the new territories, should have selected for their candidate a slaveholder, from the far south, while the other party selected a man from the free states. It shows strongly their confidence in the men they had respectively chosen, and illustrated the fact, which, in the heat of discussion, is too often overlooked, that northern men are not all ultra abolitionists, nor southern slaveholders all slavery propagandists. The rabid abolitionists are few and far between, at the north. The real lovers of slavery, in the abstract, are not more numerous at the south. Abolish party names, lay aside violent personal and sectional denunciation, and the true majority in the greater part of the Southern States would be found to sympathize more with the northern views, than with those of the champions of their own section, and slavery itself would die of consumption.

The whig candidates were successful, in this contest, by large majorities, and, on the 4th of March, 1849, General Zachary Taylor took the oath of office as president, and Millard Fillmore entered upon his duties as vice-president of the United States.

Mr. Fillmore was born at Summer Hill, Cayuga county, New York, on January 7, 1800, and is, accordingly, now a little over fifty years old. His father was a farmer, in very limited circumstances. The family removed to Aurora, Erie county, in 1819, where the father still carries on a farm of moderate dimensions: the traveller has often passed the modest house where reside the family of the president, in a style not more pretending than is common to thriving farmers of that prosperous district. The narrow means of the father did not permit the bestowal on the son of any other than a most limited common school education. When fifteen years old, he was sent to learn the trade of a clothier, at which he worked for four years, improving all his spare time in reading books from a little library in the village where he lived. At the age of nineteen, he made the acquaintance of Judge Wood, of Cayuga county, who detected the latent talents of the young man, and induced him to study law, for which he generously furnished the means. Mr. Fillmore remained in Judge Wood's office above two years, study-

ing with that industry and perseverance which have distinguished him through life: during this time, he also taught school in the winter months, in order himself to provide for his expenses as far as possible. In 1822, he entered a law office at Buffalo, and passed a year studying and teaching, when he was admitted to the bar, and removed to Aurora, to commence the practice of his profession. In 1826, he married Abigail, the daughter of Rev. Lemuel Powers. Several years were now mainly employed by Mr. Fillmore in diligent judicial studies, and in the limited legal practice of a country town. In 1829, he was elected to the assembly of New York, and for three years (during which time he removed his residence to Buffalo) held a seat in that body. Here he was remarkable for constant devotion to and unwearied industry in his duties. He took a prominent and influential part in the enactment of the law abolishing imprisonment for debt. In 1832, he was elected to the twenty-third congress, and served creditably. In the fall of 1836, he was again returned for the same office, and acted as a member of the committee on elections, in the famous New Jersey "broad-seal" case, and in that capacity established his reputation in the house. He was reelected to the next congress, and now assumed the responsible position of chairman of the committee of ways and means. In the duties of this post, at a trying crisis, he manifested the industry, dignity of bearing, efficient practical talent, and ability to secure the confidence of his colleagues which had before distinguished him. His public reputation perhaps rested more upon the manner in which he filled this post in the twenty-seventh congress, than on any other portion of his career, at the time of his election as vice-president.

After this, resisting the importunities of his friends and the whig convention of his district, Mr. Fillmore returned to Buffalo, to the practice of his profession. In 1844, he was run by the whigs of New York for governor, and was beaten by Silas Wright, at the same time that the so-called Liberty party gave the vote of the state for Polk, Texas, the Mexican war, and the extension of slavery. In 1847, he was elected controller of the state, and removed to Albany to discharge the duties of that office, which he held till February, 1849, when he resigned it, prior to his induction into the vice-presidency.

It was a period of intense sectional animosity and political difficulty, requiring, in the executive and the cabinet, an unusual degree of firmness, moderation, and wisdom. From General Taylor's want of experience

in political matters, and of acquaintance with the practical workings of the great machine, it was apprehended some serious mistakes might be made, which would give the opposition a temporary advantage. It was found, however, that he had the qualifications demanded by the crisis. He was eminently characterized by firmness, in which there was no trait of obstinacy, an undeviating integrity of purpose, and a sound practical common sense, which, in great emergencies, is often superior to the largest experience. His course of administration, though brief, reflects credit upon his name. His cabinet was well selected, not only with reference to the ability with which the several departments were filled, but to the wise adjustment and fair representations of the great sectional interests in its composition.

John M. Clayton, of Delaware, Secretary of State.

William M. Meredith, of Penn., Sec'y of the Treasury.

George W. Crawford, of Ga., . . . " " War.

Wm. Ballard Preston, of Va., . . . " " Navy.

Thomas Ewing, of Ohio, . . . " " Interior.

Jacob Collamer, of Vermont, . . . Postmaster-General.

Reverdy Johnson, of Maryland, . . . Attorney-General.

The same spirit of sectional extension, which led to the annexation of Texas, and the dismemberment of Mexico, turned with an evil eye upon "the brightest gem in the crown of Castile,"—the queen of the Antilles. The government which Spain sees fit to exercise over Cuba is not wisely calculated to make her subjects easy, especially in their near vicinity to, and large intercourse with, their free and prosperous neighbours on the north. For many years there has been fomenting, slowly and noiselessly, a spirit of discontent, which only seeks *occasion* to make it a spirit of revolution. This sentiment has been liberally encouraged by some of the American presses, and largely countenanced and aided by the substantial sympathy of individuals and private associations, in both sections of the country, but more especially at the south.

The great fear of the politicians of the Southern States is, that, in "extending the area of freedom," the area of slavery will lose its relative importance. Hence the deep interest with which many among them have viewed the probable, or possible, future annexation of Cuba. Hence, also, the readiness with which "the sinews of war" have been provided for bands of desperate adventurers, who have sought to make a crisis by actual invasion, and, in a manner, to compel the latent spirit of revolution in the island to a premature eruption.

In August, 1849, President Taylor received information that a large body of men was gathering from various directions on Round Island, in Mobile Bay. They were well provided with arms, &c., and evidently had some secret object in view, as no reasonable account could be given of their coming together in that place. Impressed with the idea, which was well confirmed by information derived from the most reliable sources, that the design of this secret expedition was to make a warlike demonstration on the coast of Cuba, the president ordered a lieutenant of the navy, in a steamer, to proceed to the spot, and disperse them. This was accomplished without resistance, though not without a few rounds of harmless newspaper musketry, at which the president neither flinched nor winked.

The young volcano was smothered, but not quenched. Early in 1850, its rumbling, faint and far, was heard in different parts of the country. Men not suspected of business abroad mysteriously left their homes for parts unknown, and, drawn by some unseen influence, met at some distant point, and found themselves suddenly acquainted. General Lopez, a Spanish officer of some notoriety, seemed to be cognizant of these movements, if not to have the principal direction of them. The president and his officers were watchful and suspicious. But nothing was seen or disclosed from any quarter, to justify the direct interposition of the executive power, till after General Lopez had embarked, with a considerable force, at New Orleans, with a clearance for Chagres. Then it was made known at Washington, that such an armament had been fitted out in the United States, and that, in the opinion of the Spanish minister, it was clearly and unquestionably destined to the invasion of Cuba.

On receiving this information, the president gave instant orders to despatch all the vessels in commission, then within reach of orders, to the coast of Cuba, to prevent, if possible, any hostile movement on the part of the secret expedition. But the order was too late. The buccaneer squadron, consisting of a steamer and two sailing vessels, and comprising about six hundred men, effected a landing at Cardenas.

Cardenas is a small port, containing about twenty-five hundred inhabitants, somewhat more than one hundred miles east of Havana. It is not fortified against an attack from without. The onset was successful. The invaders landed without molestation, and marched immediately to the attack. With trifling resistance, the few soldiers at the command of the governor gave way. Three lives were lost on the

part of the Spaniards, and six on that of the aggressors. The town was soon in possession of Lopez, who hoisted the flag of freedom and Cuban independence, and called for a rally. But no one joined his standard. He made preparations for a march upon Matanzas, and promised his men to be master of the island, with all its wealth, in three days. These promises, however, soon began to fade. Instead of a general rush of the inhabitants to join the ranks of insurrection, there was an entire absence of sympathy in the movement. Whether it sprung from fear, and the consciousness that the time had not arrived for such a movement, or from want of confidence in the men and means employed, does not appear. It was probably, to a large extent, the latter. The Cubans were not prepared. The invading general and his secret counsellors had not counted the cost. The government of the island was stronger than they imagined—strong, not, as in our happy land, in the love of its subjects, but in their fears.

The preparations for an advance upon Matanzas were but half completed, when the signs of resistance, on the part of the Cubans, became too serious to be overlooked. General Lopez suddenly countermanded the order, and directed the armament to be reshipped, with all despatch. This done, he reëmbarked with his entire band, and a few prisoners, one of whom was the governor of Cardenas, and stood out to sea. Thus ended the invasion of Cuba—the paltriest piece of open piracy recorded in modern history. To give the enterprise a more perfect title to this distinction, the invading general rifled the treasury of Cardenas, and carried away about fifteen hundred dollars.

California and New Mexico, still under the military government, which the exigencies of war had established, were beginning to be impatient for the enjoyment of civil institutions. The territory of Deseret, or Utah, on the north of California, where the fugitive Mormons had recently pitched their tents, claimed also a shelter under the national ægis. The population and commerce of California had increased with unprecedented rapidity. It had already attained the growth of a sovereign state, and movements were immediately commenced to organize and ask admission to the Union. To watch, and, so far as might be needful, to guide this movement, Hon. Thomas Butler King, of Georgia, an able and honourable man, was commissioned by the president to proceed thither, under secret instructions, as confidential agent of the government. What part he took in the ultimate organization of the

government there, or whether any part at all, does not appear. But the president was severely censured, by the opposition, for attempting to interfere in the matter.

New Mexico, also, began to feel that she had outgrown the territorial minority, and had a right to claim the maturity of a state. To this Texas set up a counter claim to her entire territory, contending that they were originally one province, and that, by the treaty with Mexico, she had a right to embrace the whole. Here a question of great difficulty arose. Texas was a slave state. New Mexico was free. And the question of territory, which was comparatively of little importance, became involved with that of the extension and perpetuation of slavery, which was vital to “the peculiar institution” of the south. New Mexico was recognized by the government as a distinct territory, and was held, as such, under military rule, awaiting the action of congress, to establish a republican organization.

Availing themselves of the rights of freemen, the people of these sections assembled in convention, and adopted the necessary measures to secure their political rights. California and New Mexico, adopting each a constitution after the model of the older states, and choosing their senators and representatives, asked immediate admission into the Union, as independent states. Utah organized as a territory, and chose her delegate, to represent her interests in congress. Three applicants were thus found knocking for admission at the door of the Capitol, on the opening of the thirty-first congress. Instead of receiving a cordial welcome as they should have done, from the hands of a people who had expended so much blood and treasure to obtain them, for the sole purpose, as they avowed, of “extending the area of freedom,” they were kept waiting eight long months at the door, and visited, meanwhile, with every species of vituperation and reproach, for having presumed to claim the natural and inalienable right of choosing how their political institutions should be organized, and preferring freedom to slavery. Upon the question of the admission of these states to the Union ensued the most violent and bitter partisan discussion that has ever characterized American legislation. The ardent temper of the south was roused to madness by the attempt, as they argued, to exclude from the new possessions them and their property. It was with their blood and their treasure, in common with that of the free states, that these possessions were purchased; consequently, as they viewed the case, they had a right to carry their institutions

and laws there. No power on earth should exclude them. Denunciations the most severe and sweeping were hurled at the representatives and people of the free states. Threats of receding from the Union were liberally indulged in; and all the resources of argument and persuasion, of menace and abuse, of personal invective and political address, were exhausted, in the determined endeavour to force upon the new territories the institution of slavery.

The simple answer to all this was, that the territory was known to be free, and its people opposed to slavery, before it was acquired; that they exercised only a natural right in determining to remain free, and arranging their constitution accordingly; that Louisiana, and Florida, and Texas had exercised the same right in the opposite direction, and that right had been conceded to them, as a matter which *they* alone had power to control; and that slavery could not be forced upon them, or the door for its introduction thrust open against their will, without a gross violation of the fundamental law of republicanism, which recognizes all sovereignty as residing in the people. The debate was animated, fierce, powerful, and long-continued. It was a war, not of the pygmies only, but of the giants. The two great speeches of the session were those of John C. Calhoun, of South Carolina, and Daniel Webster, of Massachusetts. These comprise the better part of the argument on both sides. Mr. Clay, though far advanced in years, brought all the maturity and vigour of his great mind to bear upon the question. He sought, with Mr. Webster, to allay excitement and conciliate opposing parties. To this end he gave his support to a bill, which, from the heterogeneous elements of which it was composed, received the name of the *omnibus*, intended to settle, by one decisive vote, all the vexed questions arising out of the great subject of agitation. It provided, 1. For the admission of California, under her own constitution; 2. For organizing territorial governments for New Mexico and Utah, without any provision on the subject of slavery; and, 3. For paying Texas a sum which should be acceptable to her, for relinquishing her claims to a part of New Mexico. These measures were united in one bill, in order to compel the northern members, who were in favour of the admission of California, to waive the Wilmot Proviso in the other measures.

This measure, which was deemed by Mr. Clay and Mr. Webster a fair compromise between the north and the south, engrossed the entire attention of the senate for many weeks. No other business was done. Amend-

ment was piled upon amendment, and speech followed speech, till the combatants were as weary with talking, as the people with hearing, the wordy debate. When, at length, and with exceeding difficulty, it was brought to a vote, it was defeated, and lost.

In the midst of this important debate, and very soon after he had put forth a great and exhausting effort in defence of the "peculiar institutions" and principles of the south, Mr. Calhoun, of South Carolina, was called to his last account. He died at his post, on the 1st of April, 1850, giving his last energies of body and mind to the great interests committed to his trust.

There were so many brilliant and attractive points in Mr. Calhoun's character, — so much personal excellence, simplicity, and purity, such unquestioned genius, and such claims of long and patriotic public service, — that his sudden exit in the midst of his labours, and so soon after a signal public effort, evoked a feeling of sympathy which was quite as general and sincere among northern as among southern men.

Mr. Calhoun was born in the Abbeville district, South Carolina, upon the homestead of his father, Patrick Calhoun, who was born in Ireland. At the age of thirteen, he was placed in an academy at Georgia. At nineteen, he concluded to secure for himself a classical education. At twenty-three, he was graduated at Yale, and immediately entered upon service at the Litchfield law school. In 1807, he was admitted to the bar of South Carolina. In 1808, he was sent to the legislature, where he served two sessions. In 1811, he was sent to congress, where he was placed on the committee on foreign relations, and as chairman after the retirement of Peter B. Porter. He brought in the bill declaring war against Great Britain. He was greatly instrumental in reorganizing the army, reviving the West Point Academy, and in originating the coast survey. He was twice elected vice-president, in 1825 and in 1829.

Mr. Calhoun was seven years in the cabinet, and as many years vice-president. From 1808 to 1850, he has hardly been out of the public service, and in it he has been one of the most conspicuous of our public men, and one who has contributed vastly to the reputation of the country.

The senate presented an imposing spectacle at the time his decease was announced. Mr. Butler, his colleague, rose with evident emotion, and in a solemn, impressive manner, eulogized the deceased in terms which, while they are free from exaggeration, portrayed the outlines of a great and pure statesman. Some of

his remarks on Mr. Calhoun's last hours have a deep interest. He said he was conscious of his approaching end, and met death with fortitude and uncommon serenity. He had many admonitions of its approach, and, without doubt, he had not been indifferent to them. With his usual aversion to profession, he said little for effect on the world, and his last hours were an exemplification of his life and character—truth and simplicity.

Mr. Calhoun for some years had been labouring under a pulmonary complaint, and, under its effects, could not have reckoned on a long existence; such was his own conviction. The immediate cause of his death was an affection of the heart. A few hours before he expired, he became sensible of his situation, and when he was unable to speak, his eye and look evinced recognition and intelligence of what was passing. One of the last directions he gave was to a dutiful son, who had been attending him, to put away some manuscripts, which had been written some time before, under his dictation.

Mr. Calhoun was the least dependent man he ever knew; and he had, in an eminent degree, the self-sustaining power of intellect. His last days and his last remarks were an exemplification of this. Mental determination sustained him when all others were in despair. Mr. Butler saw him a few days ago in the senate which he had so long occupied. He saw the struggle of a great mind exerting itself to sustain and overcome the weakness and infirmities of a sinking body. It was the exhibition of a wounded eagle, with his eyes turned to the heavens in which he had soared, but unto which his wings could never carry him again.

Mr. Butler was followed by Mr. Clay in a strain of touching remarks, which thrilled every heart. He had entered the house of representatives the same year with Mr. Calhoun—the year of the declaration of war against the most powerful nation on the globe, and had enjoyed constant intimacy with him ever since. When Mr. Clay alluded to the pregnant moral lesson which this event taught him, and his own proximity to the grave, his voice assumed that peculiar tone of pathos and emotion which at times makes Mr. Clay the most eloquent of men.

As he sat down, Mr. Webster rose, and added a few words of eulogy in a most solemn and impressive manner. He, too, had been a life-long companion in public life of the deceased, and could hardly speak too highly of the exalted genius and worth of him whom they mourned. Mr. W.'s emotions were expressed with

exquisite taste and feeling, and there were many eyes suffused with tears.

The scene in the house was scarcely less affecting. Mr. Holmes moved the accustomed marks of respect, in a speech of some length and great eloquence, and Mr. Winthrop followed in his happiest manner. Mr. Venable detailed, in simple language, some of the closing scenes, in a manner that affected all.

Pending this great discussion, the warm supporters of slavery at the south had succeeded in carrying the agitation so far, as to propose a southern convention, to meet at Nashville, Tennessee, for the purpose of considering what measures should be adopted, to preserve the national, or rather, the sectional equilibrium. The rapid growth of the free states was gradually undermining the power of the south, and rendering it impossible for her longer to hold the entire predominance in the administration of the federal government. Forty-eight years, out of sixty, the slave states had monopolized the entire executive control, and with it, had carried all the power and patronage of the government. By this means, they had seldom failed in carrying any of their favorite measures, or bringing in new states to their aid, whenever it became necessary to overbalance the advance of the free states. The newly-acquired territory was now free. Should it be suffered to remain so, the slave interest would be thrown into a hopeless minority, and consequently be in danger of utter annihilation. To prevent this, and save the darling institution from the ruthless hands of the abolitionists, it was proposed to recede from the Union altogether, and establish a southern confederacy. This was the end of the Nashville convention, which, in case of the admission of new states opposed to slavery, was to devise and promulgate measures of defence for the south. It contemplated either an absolute withdrawal from the Union, or a sort of *imperium in imperio*, in which, while enjoying the general advantages of the Union, they should resist and nullify any such legislation as they might disapprove. In the same spirit, the government of Texas assumed to forestall the action of congress in respect to her claim to the whole of New Mexico. She not only asserted her right, as one beyond a doubt, but declared her determination to enforce it at the point of the bayonet, and in spite of any decision to the contrary, on the part of the powers at Washington. The militia was ordered out. The governor issued a strong proclamation, and the movement of open collision seemed close at hand. It was suspended, however, by the decided tone and action of

the president, who was resolved, at all hazards, to maintain the integrity of the government, and hold the constitution unimpaired.

Just at this crisis, when all the firmness and decision of the executive were required to balance, and hold in check, not only the volcanic elements of popular and sectional parties throughout the country, but the disorganizing tendencies of the coördinate branches of government, the hand of death was suddenly laid upon the president, and he was called from his high station and arduous duties, to render an account of his stewardship. After an illness of a few days only, General Taylor died, at Washington, on the 9th of July, 1850, in the sixty-sixth year of his age. The impression produced upon the national mind was deep and solemn: the country mourned the loss of a brave soldier, and all parties believed that their late president was an honest man.

It was a spectacle of which Americans might well be proud, to see the supreme power of one of the mightiest nations on earth passing quietly from the dead to the living; not by hereditary descent, but by virtue of the sovereign will of the people, designating, but a few months before, the proper succession. No convulsion, no agitation, no pageantry attended the transfer. Ev-

ery thing moved on as before. Not even the ceremony of induction, beyond the simple taking of an oath to sustain the constitution. This done, with solemn dignity, and Millard Fillmore was president of the United States.

Mr. Fillmore succeeded to the cares and responsibilities, as well as to the honours, of the chief magistracy. The complicated duties of the office, made doubly arduous by the exciting questions then agitating and convulsing the body politic, demanded, at this crisis, not only the wisdom of an experienced statesman, but the courage and firmness of an old soldier. The factious and reckless hoped to gain an advantage by the change. They counted on a comparatively easy victory over the mere civilian, where, but now, they had begun to despair of accomplishing any thing with the hardy veteran, who had "never surrendered," and never been beaten. But they reckoned without their host. The first act of the new president showed clearly that he was a man of calm purpose and decision. The attitude assumed by Texas was boldly and manfully met by a proclamation, which left no doubt on any mind that the supreme law would be sustained and executed, at any cost. The able, temperate, but firm letter of Mr. Webster,* the

* DEPARTMENT OF STATE,
WASHINGTON, August 5, 1850. }

To his Excellency P. H. BELL, Governor of Texas :

SIR: A letter addressed by you to the late president of the United States, and dated on the 14th of June last, has, since his lamented decease, been transferred to the hands of his successor, by whom I am directed to address to you the following answer:—

In that letter you say that, by the authority of the legislature of Texas, the executive of that state, in February last, despatched a special commissioner, with full power and instructions to extend the civil jurisdiction of that state over the unorganized counties of El Paso, Worth, Presidio, and Santa Fé, situated upon its north-western limits; and that the commissioner has reported to you, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fé, interposed adversely with the inhabitants to the fulfilment of his object, by employing their influence in favour of the establishment of a separate state government east of the Rio Grande, and within the rightful limits of the state of Texas. You also transmit a copy of the proclamation of Colonel John Munroe, acting under the orders of the government of the United States, under the designation of civil and military governor of the territory of New Mexico, and respectfully request the president to cause you to be informed whether or not this officer has acted in this matter under the orders of his government, and whether his proclamation meets with the approval of the president of the United States.

In the events which have occurred, the president hardly knows whether your excellency would naturally expect an answer to this letter from him. His predecessor in office, to whom it was addressed, and under whose authority and direction the proclamation of Colonel Munroe was issued, is no more; and at this time, that proclamation, whatever may be regarded as its true character, has ceased to have

influence or effect. The meeting of the people of New Mexico, by their representatives, which it invited, is understood to have taken place, although this government has as yet received no official information of it.

Partaking, however, in the fullest degree, in that high respect which the executive government of the United States always entertains towards the governors and the governments of the states, the president thinks it his duty, nevertheless, to manifest that feeling of respect by acknowledging and answering your letter. And this duty, let me assure your excellency, has been so long delayed only by uncontrollable circumstances, and is now performed at the earliest practicable moment, after the appointment of those heads of departments, and their acceptance of office, with whom it is usual, on important occasions, for the president of the United States to advise.

In answer, therefore, to your first interrogatory, viz., whether Colonel Munroe, in issuing the proclamation referred to, acted under the orders of this government, the president directs me to state that Colonel Munroe's proclamation appears to have been issued in pursuance or in consequence of an order or letter of instructions given by the late secretary of war, under the authority of the late president, to Lieutenant-Colonel McCall. Of this order, which bears date on the 19th of November, 1849, your excellency was undoubtedly informed at the date of your letter. A full and accurate copy, however, is attached to this communication. Colonel McCall is therein instructed, that if the people of New Mexico, for whom congress had provided no government, should manifest any wish to take any steps to establish a government for themselves, and apply for an admission into the Union, it will be his duty, and the duty of others with whom he is associated, not to thwart, but to advance, their wishes. This order does not appear to authorize any exertion of military authority, or of any official or even personal interference to control, or affect in any

new secretary of state, to the governor of Texas, if it did not put an end to the controversy, demolished every show of argument by which the opposition had sought to prosecute it. The country was satisfied with the decision. The factionists were driven to desperation, and even talked loudly of impeaching the

way, the primary action of the people in the formation of a government, nor to permit any such interference by subordinate officers. Colonel McCall and his associates were not called upon to take a lead in any measures, or even to recommend any thing as fit to be adopted by the people. Their whole duty was confined to what they might be able to perform, subordinate to the wishes of the people. In this matter it was evidently contemplated that they were to act as the agents of the inhabitants, and not as officers of this government. It must be recollected that the only government then existing in the territory was a *quasi* military government; and as congress has made no provision for the establishment of any form of civil government, and as the president doubtless believed that, under these circumstances, the people had a right to frame a government for themselves, and submit it to congress for its approval, the order was a direction that the then existing military government should not stand in the way of the accomplishment of the wishes of the people, nor thwart those wishes, if the people entertained them, for the establishment of a free, popular, republican, civil government, for their own protection and benefit. This is evidently the whole purpose and object of the order. The military officer in command, and his associates, were American citizens, acquainted with the forms of civil and popular proceedings, and it was expected they would aid the inhabitants of the territory, by their advice and assistance, in their proceedings for establishing a government of their own. There is no reason to suppose that Colonel Munroe, an officer as much distinguished for prudence and discretion as for gallant conduct in arms, meant to act, or did act, otherwise than in entire subordination and subserviency to the will of the people among whom he was placed. He was not authorized to do, nor does the president understand him as intending to do, any thing whatever in his military character, nor to represent in any way the wishes of the executive government of the United States.

To judge intelligently and fairly of these transactions, we must recall to our recollection the circumstances of the case as they then existed.

Previous to the war with Mexico, which commenced in May, 1846, and received the sanction of congress on the 13th of that month, the territory of New Mexico formed a department or state of the Mexican republic, and was governed by her laws.

General Kearney, acting under orders from this government, invaded this department with an armed force; the governor fled at his approach, and the troops under his command dispersed, and General Kearney entered Santa Fé, the capital, on the 18th of August, 1846, and took possession of the territory in the name of the United States. On the 22d of that month he issued a proclamation to the inhabitants, stating the fact that he had taken possession of Santa Fé, at the head of his troops, and announcing "his intention to hold the department with its original boundaries, (on both sides of the Del Norte,) and under the name of New Mexico."

By that proclamation he promised to protect the inhabitants of New Mexico in their persons and property, against their Indian enemies, and *all others*; and assured them that the United States intended to provide for them a free government, when the people would be called upon to exercise the rights of freemen in electing their own representatives to the territorial legislature. On the same day he established a territorial constitution by an organic law, which provided for executive, legislative, and judicial departments of the government;

president. It ended in talk, however, as did also the great debate in congress upon the omnibus, which, after lumbering all the avenues of legislation for more than six months, and raising such a dust as had never been seen in Washington, was upset and dashed in pieces, not for want of a skilful and able driver, but

defined the right of suffrage, and provided for trial by jury, and at the same time established a code of laws. The constitution declared that "the country heretofore known as New Mexico shall be known hereafter and designated as the territory of New Mexico, in the United States of America;" and the members of the lower house of the legislature were apportioned among the counties established by the decree of the department of New Mexico, of June 17, 1844, which counties, it is understood, included all the territory over which Texas has lately attempted to organize counties and establish her own jurisdiction.

On the 22d of December, 1846, a copy of this constitution and code was transmitted by President Polk to the house of representatives, in pursuance of a call on him by that body. In the message transmitting the constitution, he says, that

"Portions of it purport to establish and organize a *permanent* territorial government over the territory, and to impart to its inhabitants political rights which, under the constitution of the United States, can be enjoyed, permanently, only by citizens of the United States. They have not been approved and recognized by me. Such organized regulations as have been established in any of the conquered territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these territories while the military possession of them by the forces of the United States continues, *will be recognized and approved.*"

Near four years have now elapsed since the *quasi* military government was established by military authority, and received, with the exceptions mentioned, the approval of President Polk. In the mean time, a treaty of peace has been concluded with Mexico, by which a boundary line was established that left this territory within the United States, by treaty, what we had before acquired by conquest. The treaty, in perfect accordance with the proclamation of General Kearney, declared that the Mexicans remaining in this territory should be incorporated into the Union of the United States, and be admitted at the proper time, (to be judged of by the congress of the states,) to an enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; "and in the mean time should be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

Thus it will be perceived that the authority of the United States over New Mexico was the result of conquest; and the possession held of it, in the first place, was of course a military possession. The treaty added the title by cession to the already existing title by successful achievements in arms. With the peace there arose a natural expectation that, as early as possible, there would come a civil government to supersede the military. But until some such form of government should come into existence, it was matter of absolute necessity that the military government should continue, as otherwise the country must fall into absolute anarchy. And this has been the course generally, in the practice of civilized nations, when colonies or territories have been acquired by war, and their acquisition confirmed by treaty.

The military government, therefore, existing in New Mexico at the date of the order, existed there of inevitable necessity. It existed as much against the will of the executive government of the United States, as against the will of the people. The late president had adopted the opinion, that it was justifiable in the people of the terri-

from a certain top-heaviness in its structure, and the unexpected roughness of the road.

The loss of this bill was not so severely felt, even by some of its warmest advocates, as would have been supposed from the zeal with which they contended

for it, and the time and labour they bestowed upon it. Its defeat and abandonment were not, as they predicted, a signal for agitations, disunion, and war. The several measures, embraced in its ample drapery, were subsequently digested into separate bills, and passed into

party. But as it is the right of all to petition congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution, with a view of applying to congress for admission as a state; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Colonel Munroe, in issuing the proclamation.

I am directed, also, to state that in the president's opinion it would not be just to suppose that the late president desired to manifest any unfriendly attitude or aspect towards Texas or the claims of Texas. The boundary between Texas and New Mexico was known to be disputed; and it was equally well known that the executive government of the United States had no power to settle that dispute. It is believed that the executive power has not wished — it certainly does not now wish — to interfere with that question, in any manner whatever, as a question of title.

In one of his last communications to congress, — that of the 17th of June last, — the late president repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it; and that the authority to settle that question resided elsewhere. The object of the executive government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain, as far as practicable, the state of things as it existed at the date of the treaty; and to uphold and preserve the rights of the respective parties as they were under the solemn guarantee of the treaty, until the highly interesting question of boundary should be finally settled by competent authority. This treaty, which is now a supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion. It will, of course, be the president's duty to see that this law is sustained, and the protection which it guarantees made effectual — and this is the plain and open path of executive duty, in which he proposes to tread.

Other transactions of a very grave character are alluded to, and recited in your excellency's letter. To those transactions I am now directed not more particularly to advert, because the only questions propounded by you respect the authority under which Colonel Munroe acted, and the approval or disapproval of his proclamation. Your excellency's communication and the answer will be immediately laid before congress, and the president will take that occasion to bring to its notice the transactions alluded to above.

It is known to your excellency that the questions growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both houses of congress for many months, and still engage it, with intense interest. It is understood that the legislature of Texas will be shortly in session, and will have the boundary question also before it. It is a delicate crisis in our public affairs, not free certainly from possible dangers; but let us confidently trust that justice, moderation, patriotism, and the love of the Union, may inspire such counsels, both in the government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all. And with renewed assurances of the continuance of mutual respect and harmony in the great family of states,

I have the honour to be, with entire regard,

Your excellency's most obedient servant,

DANIEL WEBSTER, *Secretary of State.*

Secondly, you ask whether the proclamation of Colonel Munroe meets with the approval of the president of the United States?

To determine this question, it is necessary to look at the *object* of the proclamation, and the *effect* of the proceedings had under it. If the object was to assume the authority to settle the disputed boundary with Texas, then the president has no hesitation in saying such object does not meet his approbation, because he does not believe that the executive branch of this government, or the inhabitants of New Mexico, or both combined, have any constitutional authority to settle that question. That belongs either to the judicial department of the federal government, or to the concurrent action by agreement of the legislative departments of the governments of the United States and Texas. But it has been sufficiently shown that Colonel Munroe could have had no such object, and that his intention was merely to act in aid of the people in forming a state constitution, to be submitted to congress. Assuming then that such a constitution has been formed, what is its *effect* upon the disputed boundary? If it compromises the rights of either party to that question, then it does not meet the president's approbation, for he deems it his duty to leave the settlement of that question to the tribunal to which it constitutionally belongs. It is sufficient for him that this boundary is in dispute; that the territory east of the Rio del Norte seems to be claimed in good faith both by Texas and New Mexico, or rather, by the United States. Whatever might be his judgment in regard to their respective rights, he has no power to decide upon them, or even to negotiate in regard to them; and, therefore, it would be improper for him to express any opinion. The subject matter of dispute is between the United States and Texas, and not between the inhabitants of New Mexico and Texas. If those people should voluntarily consent to come under the jurisdiction of Texas, such consent would not bind the United States, or take away their title to the territory. So, on the other hand, if they should voluntarily claim the title for the United States, it would not deprive Texas of her rights, whatever those rights may be. They can only be affected by her own acts, or a judicial decision. The state constitution formed by New Mexico can have no legal validity until it is recognized and adopted by the law-making power of the United States. Until that is done, it has no sanction, and can have no effect upon the rights of Texas, or of the United States, to the territory in dispute. And it is not to be presumed that congress will ever give its sanction to that constitution, without first providing for the settlement of this boundary. Indeed, no government, either territorial or state, can be formed for New Mexico without providing for the settling this boundary. Hence he regards the formation of this state constitution as a mere nullity. It may be regarded, indeed, as a petition to congress to be admitted as a state; but, until congress shall grant the prayer of such petition by legal enactments, it affects the rights of neither

for it, and the time and labour they bestowed upon it. Its defeat and abandonment were not, as they predicted, a signal for agitations, disunion, and war. The several measures, embraced in its ample drapery, were subsequently digested into separate bills, and passed into

party. But as it is the right of all to petition congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution, with a view of applying to congress for admission as a state; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Colonel Munroe, in issuing the proclamation.

I am directed, also, to state that in the president's opinion it would not be just to suppose that the late president desired to manifest any unfriendly attitude or aspect towards Texas or the claims of Texas. The boundary between Texas and New Mexico was known to be disputed; and it was equally well known that the executive government of the United States had no power to settle that dispute. It is believed that the executive power has not wished — it certainly does not now wish — to interfere with that question, in any manner whatever, as a question of title.

In one of his last communications to congress, — that of the 17th of June last, — the late president repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it; and that the authority to settle that question resided elsewhere. The object of the executive government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain, as far as practicable, the state of things as it existed at the date of the treaty; and to uphold and preserve the rights of the respective parties as they were under the solemn guarantee of the treaty, until the highly interesting question of boundary should be finally settled by competent authority. This treaty, which is now a supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion. It will, of course, be the president's duty to see that this law is sustained, and the protection which it guarantees made effectual — and this is the plain and open path of executive duty, in which he proposes to tread.

Other transactions of a very grave character are alluded to, and recited in your excellency's letter. To those transactions I am now directed not more particularly to advert, because the only questions propounded by you respect the authority under which Colonel Munroe acted, and the approval or disapproval of his proclamation. Your excellency's communication and the answer will be immediately laid before congress, and the president will take that occasion to bring to its notice the transactions alluded to above.

It is known to your excellency that the questions growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both houses of congress for many months, and still engage it, with intense interest. It is understood that the legislature of Texas will be shortly in session, and will have the boundary question also before it. It is a delicate crisis in our public affairs, not free certainly from possible dangers; but let us confidently trust that justice, moderation, patriotism, and the love of the Union, may inspire such counsels, both in the government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all. And with renewed assurances of the continuance of mutual respect and harmony in the great family of states,

I have the honour to be, with entire regard,

Your excellency's most obedient servant,

DANIEL WEBSTER, *Secretary of State.*

laws. California was admitted as an independent state, with a constitution prohibiting involuntary slavery within her territories. Texas was paid ten millions of dollars for relinquishing her doubtful claim to a portion of New Mexico. New Mexico and Utah were

provided with territorial governments,* and a bill was passed to enforce the arrest and recovery, in the free states, of slaves escaping, or having escaped, from the south.

* THE BOUNDARIES. — As the newly-acquired territory is at length definitely parcelled out and arranged, it may be well to state the boundaries of each separate jurisdiction. First, we have the boundary between Texas and New Mexico. It is believed that Texas will readily assent to it.

It begins at the intersection of the 100th parallel of longitude with latitude $36^{\circ} 30'$, and thence runs due west on said parallel of latitude to longitude 103° ; thence south along said meridian of longitude to latitude 32° ; thence west along said parallel of latitude to the Rio Grande; thence southerly down the Rio Grande to the Gulf of Mexico.

Territory of New Mexico. — Beginning at a point in the Colorado River, where the boundary line with the republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with said degree of longitude to the parallel of the thirty-eighth degree of north latitude; thence west with said parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the state of California.

Territory of Utah. — Bounded on the west by the state of California;

on the north by the territory of Oregon; on the east by the summit of the Rocky Mountains; on the south by latitude 37° .

The acts of congress, providing for the organization of those territories, expressly stipulate that when admitted into the Union as states, they shall be admitted *with or without slavery*, as their constitutions may prescribe at the time of their admission. They may each be divided into two or more territories, should congress so determine; or any portion of either or both of them may be attached to any other state or territory of the United States, according to the judgment of the same authority.

State of California. — Bounded on the north by (latitude 42°) Oregon territory, on the west by the Pacific Ocean, on the south by Mexico, and on the east as follows, viz.: beginning at the intersection of latitude 42° with longitude 120° , thence running southerly along said meridian of longitude to latitude 39° ; thence south-easterly in a straight line to the River Colorado, at the point where it intersects latitude 35° ; thence down the middle of the channel of said river to the Mexican boundary.

Thus it will be seen that the state of California occupies all the Pacific coast from Oregon to Mexico, some eight hundred miles, with an average breadth of probably two hundred and fifty miles. The territory of Utah lies between the state of California and the territory of New Mexico, but extends southward only to latitude 37° . South of that parallel, the territory of New Mexico extends to the state of California. Utah is therefore bounded south and east by New Mexico.

FROM FILLMORE TO PIERCE.



BOOK VI.

THE administration of Mr. Fillmore, as was intimated at the close of the last chapter, was commenced under circumstances of great embarrassment. The high and deserved popularity of General Taylor with the masses of the people rendered it a difficult and hazardous experiment for any one to occupy his seat. The agitating subjects which, at that time, engrossed the attention of the Congress and the people, arousing the strongest sectional jealousies and party animosities, made it especially difficult for a northern man to stand at the helm and attempt to guide the ship of state. There were breakers on all sides, and wreckers on all the reefs, eagerly watching for their shares of the salvage, or the monopoly of the plunder. A few violent and unreasonable agitators at the north, and a few equally violent and unreasonable agitators at the south, had, for many years, been laboring to disturb the harmony and arrest the progress of "the model republic." The number of these Marplots, on each side of the line, was exceedingly small, but each believed the other a legion, and invincible, except on the sole ground of a dissolution of the union—a consummation equally desired by the abolitionists at the north and the secessionists at the south. *Par nobile fratrum.*

General Taylor's last illness was of very short duration. He was but a few days withdrawn from his public duties, and but a few hours regarded as dangerously ill, before the scene of his earthly honors and duties was closed forever. Mr. Fillmore was taken by surprise. With no time for reflection, or preparation for its high responsibilities, he found himself suddenly raised to the chief magistracy. To add to the embarrassments growing out of the slavery agitation, and the bitter sectional jealousies already arrayed on both sides, all the members of the cabinet immediately tendered their resignation. Though this was done from no want of confidence in the new president, or

of sympathy with his political views, but simply from a desire to leave him more entirely free to mark out his own course, and select his own advisers, it nevertheless greatly enhanced the difficulties of his position. It was immediately seized upon, by the opposition, as an indication that he could not rely upon the entire strength of General Taylor's friends to sustain his administration. To them it offered a slight hope of a division in the whig ranks. And Mr. Fillmore could not certainly know that it did not foreshadow such a division, or at least intimate a want of confidence in the ability of a northern man to rally and retain the entire strength of the party then in the ascendant.

It was a question of no small delicacy and difficulty, but requiring an immediate decision, whether these resignations should be returned, and the former cabinet be requested to retain their places, or a new one be appointed. The "omnibus" bill was still under discussion in the Senate, its ultimate fate shrouded in dread uncertainty. To this bill it was understood that General Taylor's cabinet was opposed; while Mr. Fillmore concurred in its main features, and was inclined to favor its adoption, as a measure of peace. Feeling it necessary that he should have a cabinet to sustain him in that course, if called upon to pursue it, he decided to select a new one. This was arranged as follows:—

DANIEL WEBSTER, of Massachusetts, Secretary of State; THOMAS CORWIN, of Ohio, Secretary of the Treasury; CHARLES M. CONRAD, of Louisiana, Secretary of War; WILLIAM A. GRAHAM, of North Carolina, Secretary of the Navy; ALEXANDER H. STUART, of Virginia, Secretary of the Interior; JOHN J. CRITTENDEN, of Kentucky, Attorney General; NATHAN K. HALL, of New York, Postmaster General.

When the omnibus bill was brought to a vote in the Senate, it was rejected by a majority vote, and

thus the apple of discord was again thrown down to the political athletes. To many of the best men on both sides of the question it was a great disappointment. Mr. Clay had given to this measure all his heart, and had expended upon it all his yet undecayed energies. Mr. Calhoun had fallen at his post, in the very act of defending the southern intrenchments of slavery against the inevitable and crushing advance of freedom and justice. And now, as the master spirits were passing away, the conflict was to be commenced *de novo*. A new plan of operations was to be devised, a new disposition of forces arranged, and a new leader found for the ultra south. California was still standing at the door of the Union, knocking for admission, its boundaries self-defined, its constitution self-formed, and hostile to slavery. It was a bitter pill to the south, that this dearly-bought extension of area should so soon, contrary to all their designs and purposes in securing it, prove an enlargement of the "area of freedom." They were resolved to resist her admission, hoping, by delay, to bring about a change of policy, and the ultimate admission of slavery. But they had no solid grounds for a refusal. Their opposition was purely technical. The only argument they could urge against her admission was, that her application was premature,—that she had not gone through the usual pupilage of a territorial government, and consequently had not had a fair opportunity to test the comparative advantages of freedom and slavery. They were afraid of a free giant springing, full grown, to birth. They wanted to have a hand in his nursing and education, and to keep him in leading strings, till, shorn of his strength by the demoralizing influences of slavery, they could put out his eyes, bind him with their own fetters, and set him to grinding in the prison house of a system, which makes slaves equally of the servant and the served.

This agitating question was complicated with another of no slight moment and difficulty. Utah and New Mexico were preparing to follow the example of California, by claiming a place in the great constellation of states, the former wishing admission as a territory, the latter as a state. To this last Texas set up a strong and angry opposition. She claimed New Mexico as a part of her own territory, and resolved to resist any effort for an independent organization even at the point of the bayonet. This she did on the sole ground that, as a Mexican province, she was originally entitled to all the country lying

east of the Rio Grande, including Santa Fé. Her sages forgot that, in coming into the Union, she had defined her own boundaries, and was received as a whole, and not as a maimed member. The question, like every other, which touches the confines of slavery, was rife with danger to the peace and harmony of the Union. Texas called out her militia, to compel the submission of New Mexico; but the expedition was captured by the New Mexicans, who resolutely resisted any amalgamation or connection with that State, or with the institution of slavery. In respect to the latter, their negotiators, while arranging the terms of the treaty which was to cede their territory to the United States, had said that a proposal to establish the Inquisition there would not excite more abhorrence than that which now attempted to bring back, upon them the curse of slavery, from which they had, by great efforts and sacrifices, long since delivered themselves.

To crush this outbreak of civil war in the southwest, the strong arm of the national government was immediately interposed. The treaty of Guadalupe Hidalgo clearly required that the citizens of New Mexico "should be maintained and protected in the free enjoyment of their liberty and property, and in the free exercise of their religion, until Congress should provide for their becoming citizens of the United States." In the exercise of his constitutional duty, "to take care that this treaty should be faithfully executed," the president immediately ordered the requisite military force, and munitions of war, to be forwarded to New Mexico, to protect her against her pugnacious and over-grasping neighbor. Deeming the danger of a collision imminent, he brought the matter before Congress, on the 6th of August, in a special message, in which he urged, in the strongest manner, a speedy settlement of the controversy. This led to a new effort in Congress, and resulted in a series of measures, now universally known as the compromise acts of 1850. By these acts California was admitted as a state, with a constitution forbidding slavery. The boundary line between Texas and New Mexico was defined and established; New Mexico and Utah were organized as territories; Texas was allowed \$10,000,000 in offset for her assumed claim on New Mexico; the slave trade in the District of Columbia was abolished; and provision was made, by a special and stringent law, for the more effectual recovery of fugitive slaves. This latter bill, in the view of its authors and advocates, was based on a

palpable requirement of the constitution, being a simple reenactment, with due forms of law, of the second section of its fourth article. In their eagerness to revive and strengthen that section, however, they seem to have lost sight of the sanctity of the *habeas corpus* privilege, as guaranteed in the ninth section of the first article. Such, at least, is the view entertained by many of the most eminent statesmen.

History, to be reliable and useful, must be impartial. It is incumbent, therefore, that a measure of so great importance as this, involving so many and opposite interests, and arousing so strongly the passions and prejudices of contending factions, should be coolly considered, and carefully judged in the light of all the circumstances bearing upon the case at the time of its enactment. This is essential to a just appreciation of President Fillmore's position and conduct in reference to it. A brief *résumé* of the facts and arguments employed in its defence will therefore be attempted.

At the period of the formation of the constitution of the United States, in 1787, slavery existed in most of the states of the Union, as well as in all the English and French colonies. The necessity was then universally felt of making some provision for the surrender of such slaves as might escape from one state to another. This was regarded not only as a matter of common justice to the master, but as the only means by which peace and harmony could be maintained among the several states. It was, accordingly, by the unanimous consent of the convention that the following provision was incorporated into the second section of the fourth article of the constitution: "No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." The same article of the constitution provided for the rendition of fugitives from justice, and conferred on Congress the sole power of prescribing "by general laws the manner in which the public acts, records, and judicial proceedings" of one state "should be proved" and made efficient in another. In pursuance of these provisions, an act was passed, February 12, 1793, and approved by President Washington, prescribing the manner in which fugitive slaves should be claimed and given up. By this law, the owner of the slave was authorized to seize or arrest the fugitive, and take him before a judge of the Unit-

ed States Courts, or any magistrate of a county, city, or town corporate, wherein the slave was arrested, and, upon proof, to the satisfaction of such judge or magistrate, that the person so arrested did, under the laws of the state from which he fled, owe service to the person claiming him, it was made the duty of such judge, or magistrate, to give a certificate thereof to the claimant, which certificate was declared to be a sufficient warrant for removing the fugitive to the state from which he had fled.

Subsequent to the adoption of the constitution, and the passage of this law to enforce it, a strong anti-slavery sentiment sprang up in the Northern States, pervading those which had retained the system after assuming the character of states, as well as those which had previously abolished it. This led, in a few years, to the abolition and prohibition of slavery and involuntary servitude in all those states, and to the enactment, in several of them, of state laws, prohibiting the state officers from assisting to execute these laws of Congress. It was also conceded by the highest authority, (see Story's Commentaries on the Constitution, Sec. 1756,) that Congress had overstepped the limit of its powers in requiring this service from state officers over whom it could have no control. The consequence of these decisions was, that there were no persons authorized to execute these laws, except the judges of the United States Courts. These were so few in number, so far separated, and so much occupied with the appropriate duties of their offices, that they were scarcely accessible to claimants, or able to give any attention to their claims when presented. The law was, therefore, found to be insufficient to secure the end for which it was framed, and consequently fell into disuse.

A case strikingly illustrating this weakness of the law occurred in Pennsylvania, in 1839. A slave from Maryland, escaped into that state, was pursued by the agent of her master, arrested, and brought before a justice of the peace, who declined to take cognizance of the matter, or to grant the certificate necessary to warrant her extradition. Thereupon the agent took the law into his own hands, seized the slave, and carried her back to her master. He was then duly indicted, under the Pennsylvania law, for kidnapping, and, upon trial, convicted of that crime. The case was then carried before the Supreme Court of the United States, where the judgment was reversed, and the doctrine clearly promulgated that no state law could deprive the owner of the right to seize

his runaway slave, even without process, and to compel his return to servitude.

This decision was made in 1843. In the mean time, since the adoption of the constitution, and the passage of the law of 1793, a half century, with all its mighty changes, had passed over the land. From a struggling infant, the confederated republic had grown to the stature and conscious power of a giant. The original thirteen states had grown to more than double that number, and the original differences, which had required the combined wisdom, sagacity, and patriotism of the race of sages and heroes who achieved independence, to harmonize into a system acceptable to all, had grown with their growth and strengthened with their strength, and had been rendered increasingly bitter by frequent partisan and sectional discussions, and in some instances by local laws, which seemed to repudiate the right and trample upon the privileges guarantied by the constitution. At times, the agitation was vehement and menacing; and it cannot be denied that, in view of the compact into which they had entered, there was fault on both sides. There were fanatics at the north and at the south, violent, reckless, noisy agitators, who deemed nothing sacred but their own right to dictate and rule. If laws were passed or resolutions made public among the free states which were subversive of the right of slaveholders to what they claimed as property, retaliatory laws were enacted, and inflammatory resolutions passed at the south, utterly denying the ordinary rights of citizenship to certain classes of northern freemen, and not only menacing, but actually executing, summary vengeance, without the form of trial, upon any suspected persons passing into their territories. In Congress, the slave power was always in the ascendant. Of the sixty-two years then passed since the organization of the government, it had been administered fifty years by southern presidents, and only twelve by northern, and one of the latter was avowedly a "northern man with southern principles." This naturally provoked the jealousy of the north, more especially as they regarded the prevalent legislation decidedly inimical to their sectional interests, and always conducive to the predominance of their rivals. Moreover, while the most entire freedom of speech, and of the press, was guarantied to all, and granted to all at the north, it was a matter of martyrdom to speak or write, at the south, in derogation of her peculiar institution. These statements might be illustrated by many thrilling incidents — by stormy

debates, by angry discussions, by vehement declamations in Congress, and in legislative halls, and by imprisonment without charge or suspicion of crime, and summary execution, without form of law, or apology for trial.

In addition to these things, immense accessions of territory had been made at a vast expenditure, and all on the side of the south. Louisiana, Florida, Texas, California, had been purchased at a cost of more than 50,000,000 of dollars, besides an expensive and destructive war. Several tribes of Indians had been violently uprooted from their ancient domains, which solemn treaties had guarantied to them forever, and removed to remote positions, at great expense. All this had been done at the instance and for the benefit of the south. And yet the south demanded more. Extension, extension, was still the cry, but never a word of extension in any direction which would enure to the well being of freedom.

It is not to be wondered at, therefore, that, as the free states, by continual immigration from Europe, and by the natural tendency to growth and healthy development, increased in population and power, they should resist these perpetual encroachments, and feel a growing indisposition to aid the slaveholder in recovering his fugitives.

On the other hand, it cannot be denied, that, whatever may have been the wrongs intended or produced by their local laws and customs, the south was entitled, under the constitution, to some protection against this species of loss. If that protection involves a moral wrong, it is the misfortune, and not the fault, of the constitution. It could never have been formed without it. It probably will not survive any serious attempt to abrogate it. There it stands, clear and unmistakable. And, however aggravating the aggressions of southern policy, however distasteful and offensive to northern ideas of freedom its local laws or individual actions, no man, whether president, senator, or representative, who had solemnly sworn to sustain the constitution, could fail to admit that the claim of the south, for a surrender of "fugitives from labor" should, by some means, be provided for. But how should it be done, so as not to magnify, rather than diminish, the difficulties already existing? *Hoc opus, hic labor est.*

The period at which our history has arrived was a crisis in this great political question, a culminating point in the progress of American slavery. The large accession just made of territory on the Pacific and

in Central America would, it was generally supposed, greatly increase the political importance of the south, so as entirely to overbalance the recent growth of freedom in the north-west.

The sudden appearance of California at the door of Congress, asking admission into the Union as a free state, and the open and defiant repugnance of New Mexico to the attempt of Texas to fasten the "peculiar institution" upon her, were alarming symptoms of a serious disappointment in their calculations, and tended greatly to complicate the position of parties, by giving an unexpected weight to the northern views. Instead of taking a merely partisan advantage of this acquisition, however, the moderate, or conservative portion of the north, which has always constituted a large majority, made use of it to secure a compromise, which should guaranty mutual advantages to both sides. Of this compromise the fugitive slave law formed a part. Its object was merely to provide for the proper carrying into effect of the provisions of the constitution above quoted, by designating suitable officers to execute the law, and prescribing "the manner in which the public acts, records, and judicial proceedings of one state should be proved and made efficient in another." To this, the north, by its representatives and president, assented, in offset for the advantage gained by the admission of California, and the abolition of the slave marts in the District of Columbia. It is not improbable that Mr. Fillmore would have preferred to gain these without the necessity of reviving and reanimating this old law. But he had no choice. They were all passed by Congress, and placed before him for approval. As sworn to sustain the constitution, he, on the advice of the attorney general, to whom the question was referred, deemed it his duty to sanction the bill, and make it a law, by his signature. The law of 1793 was still as binding as ever, and the decision of the Supreme Court in 1843, above alluded to, had confirmed it. That law was manifestly defective in its details, and demanded amendment. It did not provide a sufficient number of United States officers, authorized and required to execute it. It made no provision for the legal arrest of the fugitive, except by the claimant himself. It furnished no effective means of resisting the enemies of the law in their efforts to rescue the slave from his owner. It was also further deficient in defining the kind of proof necessary to justify, on the part of the magistrate, a certificate for the surrender of the slave.

These defects were intended to be remedied by the new law, which provided for the appointment of a suitable number of commissioners, having concurrent jurisdiction, in these cases, with the judges of the United States courts. Process for the arrest of the fugitive was to be executed by the marshal of the district in which the arrest was to be made, who was empowered to call to his assistance the requisite aid to enforce the process. Proofs might be taken by a court in the state from which the fugitive had fled, to establish these facts — that he owed service, and that he had fled from it. In case resistance to his removal was apprehended, the commissioner was authorized to direct the marshal to see him safely returned to bondage.

In considering the details of this law, after it was presented to him for his signature, the president had some doubt, in his own mind, whether the provision which declared the certificate of the magistrate final, and that the persons executing it should not be molested by any process issued by any court, might not be an infringement of that clause of the constitution which declares that "the privilege of the writ of *habeas corpus* shall not be suspended," unless when, in cases of rebellion or invasion, the public safety may require it. These doubts were removed by the opinion of the attorney general, but they still exist in the minds of a great majority of the northern people. Notwithstanding this, however, the law would, in most cases, have been faithfully executed — the great mass of the people of the country, being a law-abiding people, were fast yielding to its requirements a loyal, though unwilling, respect — if a new project of slave extension and slave tyranny had not been suddenly started, and precipitately driven through, by which the Missouri compromise of 1820 was ruthlessly repealed. From the date of that bill, the execution of the fugitive slave law became impossible in most of the free states, except under such an array of civil and military force as metamorphosed the court into a Star Chamber, and the surrounding city, or country, into a theatre of civil war. This repeal, it will be remembered, took place under the administration of General Pierce.

The passage of the "compromise acts" was vigorously resisted by a powerful minority in both houses of Congress, sustained by all the anti-slavery feeling in the country. The excitement ran very high, and it required the utmost power of the south, aided by the best talent of the north, and the undisguised fa-

vor of the administration, to carry through the obnoxious measures, which required any and all northern men, under heavy penalties and fear of imprisonment, to assist in capturing and restoring a fugitive from slavery—an act which any respectable slaveholder would feel it a disgrace to perform, except in the case of his own slaves. In some of the northern cities the opposition to this law was exceedingly violent, and threatened the most serious consequences. At Boston, in Massachusetts, Syracuse, in New York, and Christiana, in Pennsylvania, the law was openly resisted by the populace, and the captured fugitives rescued from the hands of the marshals, and effectually shielded from further pursuit. In some places the conflict assumed a very alarming aspect, and several lives were sacrificed in the popular determination to resist the tyrannical application of an odious law. Mr. Fillmore did all in his power to carry out faithfully the provisions of the law. He issued a special proclamation, calling upon the officers to do their duty fearlessly, and cautioning all persons from interposing any obstacles thereto. The rioters were prosecuted before the courts, with all the force of the government to sustain the prosecutions; but such was the state of public sentiment on the all-engrossing subject, that it was almost impossible to find a jury, in any part of the country, who could be induced to bring in a verdict of guilty. One such verdict was rendered at Syracuse, under peculiar circumstances, but death stepped in and claimed the victim before sentence was pronounced.

It was claimed by the advocates of these measures, and strongly hoped by the friends of peace and order throughout the country, that they would quiet the prevailing agitation on the subject of slavery, and effectually exclude that subject from future congressional discussions. The admission of California as a free state, and the abolition of the slave mart in the District of Columbia, were enough, it was thought, to satisfy the anti-slavery demands of the north; while the south received its portion in a \$10,000,000 bonus to slavery in Texas, and a national guaranty for the return of their fugitive slaves. No effort was wanting to make this arrangement satisfactory to both sections. The administration gave it the whole weight of its influence, and pledged to its rigid enforcement the entire civil and military force at its disposal. But neither political patronage nor executive power could make slave-catching either popular, or, to any great extent, possible, in the free

states. The idea was abhorrent to the settled convictions and most cherished principles of the people. It was an invasion of their own soil with some of the worst and most hateful features of the slave code—the denial of a trial by jury, the suspension of habeas corpus, the non-admission of slave testimony, and the irresponsibility of the judges to the people. In addition to this, the entire odium and burden of the process was thrown upon the citizens of the free states, while all the expenses of the pursuit, the prosecution, and the recovery, were paid from the national treasury, to which the free states are by far the largest contributors. In a majority of cases the execution of the law was prevented or evaded by popular interposition; and, whenever it was executed, the expenses exceeded many times—often many hundred times—the value of the slave recovered.

Notwithstanding these difficulties, and the violence with which the abolitionists waged the war with this enactment, the majority of the northern people endeavored to acquiesce in the compromises, and to regard them as a final settlement of all sectional difficulties. They hoped for peace, for a reasonable respite from agitation. As a whole, they resolved to stand by the president, in the position he had taken, and overcome their own prejudices, as he had overcome his, to sustain the majesty of the law. And, though the calm conservatism of the majority was scarcely a match for the fiery and determined energy of the resisters, and though, in special cases and in some sections of the country, it would have been impossible for the law to secure its victim, it is quite certain that the north would never have repudiated any part of the compromise, so long as it should be held sacred by the pro-slavery party.

Mr. Fillmore, being called suddenly to the presidency in the midst of a session of Congress, had no immediate opportunity to declare himself on the great questions of the day, or to foreshadow the policy of his administration. He took occasion, therefore, in his annual message, at the opening of the short session of Congress, in December, 1850, to expound at some length the general principles by which he would be governed, and to recommend some specific objects which, in his view, demanded the immediate action of Congress.

One of the most prominent of these objects was the reduction of the inland postage on letters. This reform, already successfully inaugurated in Great Britain, was loudly demanded from every quarter of

the United States, but especially from the north, and the people were now ripe for the experiment. Strong objections were urged, on the ground that so great a reduction would bankrupt the department, and make it a charge upon the treasury. But the measure was carried against all objections, and provision made to supply from the treasury any deficiency in the receipts of the department.

For the greater safety of the public buildings and records in Washington, and for the improvement of the health of the city, Mr. Fillmore also recommended that Congress should provide for an abundant supply of water from the Falls of the Potomac. This suggestion was adopted, the necessary surveys were ordered, and the works are now advancing rapidly towards completion, by which an ample supply of good water will be secured.

Other measures brought forward under the sanction of this administration, and illustrative of the expansive views and practical wisdom of the president, were—the establishment of an agricultural bureau; the improvement of rivers and harbors, by which the facilities of internal commerce would be greatly increased; the establishment of an asylum for disabled and destitute seamen; a moderate but permanent tariff; a restoration of specific duties for the prevention of fraud, with a just discrimination in favor of American industry; a line of communication with the Pacific; a provision for settling disputed land titles in California; an extension of the land laws over newly acquired territories, with suitable provisions to prevent a monopoly of the auriferous mineral lands; a law to increase the efficiency of the army and navy, by providing for retiring from active service of such officers as had become superannuated; a board of commissioners for the adjustment of private claims against the government; and, finally, “an adherence to the adjustment by the *compromise measures*, until time and experience should demonstrate the necessity for further legislation to guard against evasion or abuse.” As Congress was then constituted, a large majority of both houses being politically opposed to the president, it was scarcely to be hoped that all these wise and prudent measures, involving long contested principles and questions of party strife, would be consummated at that time. Those which had no party bearing, and which could not be met except upon their simple merits, were duly considered and acted upon. The demand for justice to disabled and destitute seamen, by the estab-

lishment of an asylum for their relief, was responded to; and the preliminary measures adopted for carrying it into effect. The institution, which is to be conducted on a liberal scale, is situated in Harrodsburgh, Kentucky, and is already in an advanced state of progress. It will open for the reception of patients at an early period.

As several of the subjects recommended in this first message of Mr. Fillmore are among those which have divided the two political parties of the country, and called forth the ablest disputants on both sides and on all occasions, and as the measures so recommended were defeated by a majority opposed to the views of the administration, it seems only just that we should allow the president to speak for himself in proposing and expounding those views.

On the tariff he thus argued: “All experience has demonstrated the wisdom and policy of raising a large portion of revenue for the support of the government from duties on goods imported. The power to lay these duties is unquestionable, and its chief object, of course, is to replenish the treasury. But if, in doing this, an incidental advantage may be gained by encouraging the industry of our own citizens, it is our duty to avail ourselves of that advantage.

“A duty laid upon an article which cannot be produced in this country—such as tea or coffee—adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here, stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates the skill and invites the capital which finally enable us to produce the article much cheaper than it can be procured from abroad, thereby benefiting both the producer and the consumer at home. The consequence of this is, that the artisan and the agriculturist are brought together, each affords a ready market for the produce of the other, and the whole country becomes prosperous; and the ability to produce every necessary of life renders us independent in war as well as in peace.

“A high tariff can never be permanent. * * * What the manufacturer wants is uniformity and permanency. * * * To effect this all duties should be specific, wherever the nature of the article is such as to

admit of it. *Ad valorem* duties fluctuate with the price, and offer strong temptations to fraud and perjury. Specific duties, on the contrary, are equal and uniform in all ports, and at all times, and offer a strong inducement to the importer to bring the best article, as he pays no more duty upon that than upon one of inferior quality."

In reference to appropriations for internal improvements, he said, "I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works. This authority I suppose to be derived chiefly from the power of regulating commerce with foreign nations and among the states, and the power of laying and collecting imposts. Where commerce is to be carried on, and imposts collected, there must be ports and harbors, as well as wharves and custom houses. If ships laden with valuable cargoes approach the shore, or sail along the coast, lighthouses are necessary at suitable points for the protection of life and property. Other facilities and securities for commerce and navigation are hardly less important; and those clauses of the constitution, to which I have referred, have received, from the origin of the government, a liberal and beneficial construction. Not only have lighthouses, buoys, and beacons been established, and floating lights maintained, but harbors have been cleared and improved, piers constructed, and even breakwaters for the safety of shipping, and sea walls to protect harbors from being filled and rendered useless by the action of the ocean, have been erected at very great expense. And this construction of the constitution appears the more reasonable from the consideration that if these works, of such evident importance and utility, are not to be accomplished by Congress, they cannot be accomplished at all. By the adoption of the constitution the several states voluntarily parted with the power of collecting duties on imposts in their own ports; and it is not to be expected that they should raise money by internal taxation, direct or indirect, for the benefit of that commerce, the revenues derived from which do not, either in whole or in part, go into their own treasuries. Nor do I perceive any difference between the power of Congress to make appropriations for objects of this kind on the ocean, and the power to make appropriations for similar objects on lakes and rivers, wherever they are large enough to bear on their waters an extensive traffic. The magnificent Mississippi and its tributaries, and the vast lakes of the north and north-west, appear to

me to fall within the exercise of the power as justly and as clearly as the ocean and the Gulf of Mexico. It is a mistake to regard expenditures judiciously made for these objects as expenditures for local objects. The position, or site, of the work would be necessarily local; but its utility is general. A ship canal around the Falls of St. Mary of less than a mile in length, though local in its construction, would yet be national in its purpose and benefits, as it would remove the only obstruction to a navigation of more than a thousand miles, affecting several states, as well as our commercial relations with Canada. So, too, the breakwater at the mouth of the Delaware is erected not for the exclusive benefit of the states on the bay and river of that name, but for that of the whole coastwise navigation of the United States, and, to a considerable extent also, of foreign commerce. If a ship be lost on the bar at the entrance of a southern port, for want of sufficient depth of water, it is very likely to be a northern ship; and if a steamboat be sunk in any part of the Mississippi, on account of its channel not having been properly cleared of obstructions, it may be a boat belonging to either of eight or ten states. I may add, as somewhat remarkable, that among all the thirty-one states there is none that is not, to a greater or less extent, bounded on the ocean, or the Gulf of Mexico, or one of the great lakes, or some navigable river.

"In fulfilling our constitutional duties on this subject, as in carrying into effect all other powers conferred by the constitution, we should consider ourselves as deliberating and acting for one and the same country, and bear constantly in mind that our regard and our duty are due not to a particular part only, but to the whole."

Such are the *right* reasonings of far-sighted political sagacity on two long and severely-controverted topics, which nothing but the physical *might* of a mere political majority has ever been able to answer or resist. And, strange as it may seem, though the history of American commerce perfectly illustrates and confirms the truth and profitableness of one set of views, and the fallacy and destructive tendency of the other, it has never been possible to obtain for "the American system" a fair experimental trial. The slave power, which has dictated and controlled the entire foreign policy of the country, has opposed it with unbroken front, always finding a party of impracticables in the free states to aid them in breaking down home industry, and fettering the internal commerce of the states.

A bill making appropriation for the improvement of rivers and harbors, in accordance with the recommendation of the president, passed the House of Representatives, and was favored by a majority of the Senate. It was defeated, however, by a well-drilled minority, who, talking against time, on the very last day of the session, spun out the discussion till the expiring hour of Congress, and thus prevented a vote. This *ruse* — which is resorted to on all occasions by the (so called) democratic party, whose fundamental principle is, that the majority must always govern — is deemed little short of high treason if attempted by the opposing party.

The Capitol being found insufficient for the convenient accommodation of the government, an appropriation was made at this session to extend it according to such plan as might be approved by the president. Having adopted a plan by which the original building would be more than doubled in size, by the addition of two extensive wings, the work was immediately commenced, and the corner stone laid by the president, on the 4th of July, amid a large concourse of people. Mr. Webster made one of his eloquent addresses on this occasion.

Not satisfied with the inglorious issue of his first piratical invasion of Cuba, General Lopez — whose cowardly retreat and “hair-breadth ’scape” are themes of merriment with the ladies of Key West, to whom the flying filibusters appealed for protection — had now organized another buccaneering expedition, which, like the former, sailed in open day from New Orleans, aided and abetted by many prominent persons there, and plainly connived at by the collector of the port — for which he was removed from office. Rumors of this project, which, for some time, were rife in the community, assumed at length so much of substance and form, that the president deemed it necessary to interpose his constitutional power to prevent it. Accordingly, on the 25th of April, 1851, he issued a proclamation, reciting a portion of the neutrality law bearing upon the subject, and warning all persons of the consequences of such an infringement of that law. He also made such disposition of the naval force at his command as seemed best calculated to arrest these treasonable movements, and save the honor of the government. Whatever effect this might have had to delay proceedings, it did not effectually arrest them. Preparations were proceeded with cautiously, through the summer, until on the 4th of August, when the ill-fated expedition sailed. Its result was no less

inglorious, and far more unfortunate, than that of the preceding one. A landing was effected at Playtas, about sixty miles from Havana, on the night of the 11th of August. Between four and five hundred men were involved in this expedition — most of them young and ill informed. The main body of them, under command of General Lopez, proceeded inland at once, and took possession of a small village, some eighteen miles from the coast. The remainder were left behind to bring up the baggage, as soon as means of transportation could be found. Having made all necessary arrangements, and taken up their line of march, they had proceeded about twelve miles, when, on the morning of the 13th, they were attacked by a body of Spanish troops. A bloody conflict ensued. Those of the invaders who escaped death in this conflict retreated to the shore, where about fifty of them found boats, in which they put out to sea. They were, however, intercepted among the islands by a Spanish steamer cruising on the coast, captured, and carried into Havana; where, after a summary military trial, they were condemned and executed as pirates on the 16th. The main body, under Lopez, was attacked on the 24th, and put to rout. Lopez escaped, but was captured in the mountains some days after, and executed on the 1st of September. Many of his followers were killed, or died of hunger and fatigue; and the rest, some one hundred and seventy in number, were made prisoners. Of these, several were pardoned on the intercession of friends. About one hundred and sixty of them were sent to Spain, but were subsequently, by the clemency of the queen, at the urgent request of the president, permitted to return to their homes.

The president, in his annual message to Congress, thus comments upon “this illegal and ill-fated expedition:” “Too severe a judgment can hardly be passed by the indignant sense of the community upon those, who, being better informed themselves, have led away the ardor of youth and ill-directed love of political liberty.” He also expresses the hope “that the interposition of the government to procure the release of such citizens of the United States, engaged in this unlawful enterprise, as are now in confinement in Spain, may not be considered as affording any ground of expectation that government would hereafter feel itself under any obligation to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States.”

In addition to the strong inherent tendency of slavery to extend its area, there were at this period some peculiar elements at work in America which favored designs of this character. The disbanding of the Mexican army had thrown upon the community a vast number of idle, demoralized men, who were ready for any plausible expedition which promised excitement, glory, or plunder. The discovery of rich deposits of gold in California, while it offered a vent for a portion of this restless and explosive material, greatly aggravated the difficulty by unsettling the minds of an immense number of those who had remained at home, and arousing, on every side, a spirit of almost reckless adventure. The calm, even course of industry and patient endeavor for the support of life and the accumulation of wealth was abandoned by thousands in all sections of the country. The regular channels of business were, to some extent, interrupted and broken up, and the whole country seemed running wild in the chase of golden phantoms. To afford exercise to some part of this restless spirit, and divert the reckless from further marauding expeditions against peaceful neighbors, it seemed good to the president to suggest and open new objects of public interest, and new fields of individual enterprise. With this view, he proposed the fitting out of exploring expeditions to foreign countries, which should add to our geographical knowledge, extend our commerce, and increase our facilities of communication with distant parts of our own country and the world. One of the first and principal objects of this class was, to secure a shorter and convenient route to California; and great efforts were made to negotiate the Tehuantepec route through Mexico, and the Nicaragua route through Central America.

Japan, the recluse of the Northern Pacific, also attracted attention, and invited an effort to initiate her into the community of nations. The ostensible motive for present action in this quarter was found in the fact that several American sailors had been shipwrecked, cast upon the shores of Japan, and there treated with great severity. Information of their unhappy condition having been communicated to Commodore Geisinger, then cruising in the Pacific, he despatched the United States ship *Preble*, Commander James Glynn, to demand their release and bring them away. This service was ably and manfully performed, and an impression made upon the Japanese government that the United States of America could not be trifled with. Having fulfilled his benevolent mission,

and returned to the United States, Commander Glynn addressed a letter to the president, recommending an early and a vigorous effort to draw or drive Japan from her unsocial position, and to obtain, in some part of her territory, a depot for our Pacific steamers. The following extract will fully explain the design of the letter, and the subsequent action of the government:—

“WASHINGTON, June 10, 1851.

“SIR: I have the honor to submit herewith, in writing, by your direction, the substance of my remarks to you a few days since upon the project of opening an intercourse between the United States and the empire of Japan. Soon a commercial treaty between the two countries will be demanded by our people; and already a depot to stop at in Japan is absolutely necessary for the accommodation of a line of steamships contemplated to be established between California and China. These arrangements must be effected soon or late, and if not peaceably, then by force; the progress of civilization demands them, and every humane man must desire that the necessary changes in the relations existing between the two governments should be effected with as little violence as possible, and also with as little delay.

“The present appears a favorable time for entering upon a negotiation with Japan. Recent occurrences have attracted the attention of the two countries towards each other; but as yet there has been no unkind feeling grown into existence between the two people. It is important that advantage should be taken of this favorable condition of things, which cannot, reasonably, be anticipated to continue much longer, at least on our part, where our interests are so largely involved in greater accommodation for our commerce; where a claim so reasonable in itself is met by arbitrary prohibition; where might and right are resisted by imbecility and injustice. * * *

“Having taken precautionary measures to make friends of those who might have it in their power to injure our cause, the next thing is to select a proper bearer of the communication—for on him will depend, in a great degree, the result of this first attempt to change the foreign policy of Japan. He should be a man of matured judgment, and of ready tact to comprehend and to extricate himself from any unpleasant position he might find himself suddenly and unexpectedly placed in while negotiating with a people so peculiarly situated, and a government so peculiarly constituted as is that of Japan. He should have

patience to sustain himself under trying circumstances not designed to annoy him, and spirit to repel every attempt to exact from him any humiliating act of ceremonial deference to the native authorities; he should be a naval officer, knowing what a man-of-war could be made to do under any circumstances, and what he should do with her in an unexpected emergency, or in an unlooked-for turn in the character of the negotiation. While he is the peaceful bearer of a friendly letter, he should be studying the best mode of conducting hostile operations against the empire, if they should ever be deemed necessary by his government; and with this object he should, if possible, get into the country, claiming the right to deliver in person his letter to the highest functionary of the local government to whom it may be directed."

Designs of opening a communication with Japan had been seriously entertained for many years. Mr. Livingston, secretary of state under General Jackson, issued a commission to that effect to Mr. Edmund Roberts, then United States commissioner in China. But it was so restricted in its instructions, and in the means of *commanding* respect, that its execution was never attempted.

In 1845, Commodore Biddle was instructed to "hold his squadron at the disposal of the commissioner, in case he should incline to make the effort of gaining access to Japan; and if the commissioner declined so to do, himself to persevere in the design; yet not in such a manner as to excite a hostile feeling, or a distrust of the government of the United States."

In pursuance of these instructions, Commodore Biddle, in the United States ship *Columbus*, proceeded to the Bay of Yedo, where he anchored on the 20th of July, 1846. He was, however, entirely unsuccessful in his endeavors to open the desired negotiations. The edict issued for the purpose of explaining the reasons of this refusal contained the following very decided declarations: "It will be of no use to renew the attempt, as all applications of the kind, however numerous they may be, will be steadily rejected." "The emperor positively refuses the permission you desire. He earnestly advises you to depart immediately, and to consult your own safety by not appearing again upon our coast."

Notwithstanding these peremptory repulses, Mr. Fillmore resolved on another and a determined effort to secure an object so important to the increasing

commerce in the Pacific, and particularly to the protection due to American seamen shipwrecked on those coasts. The latter was to be demanded as a right, and secured at any cost; the former to be insisted upon by all arguments consistent with a due regard to the rights of Japan as an independent nation. With these views, the following instructions were given to Commodore Aulick:—

"DEPARTMENT OF STATE,
"WASHINGTON, June 10, 1851.

"SIR: The moment is near when the last link in the chain of oceanic steam navigation is to be formed. From China and the East Indies to Egypt, thence through the Mediterranean and Atlantic Ocean to England, thence again to our happy shores, and other parts of this great continent; from our own ports to the southernmost part of the isthmus that connects the two western continents; and from its Pacific coast, north and southwards, as far as civilization has spread, the steamers of other nations and of our own carry intelligence, the wealth of the world, and thousands of travellers.

"It is the president's opinion that steps should be taken at once to enable our enterprising merchants to supply the last link in that great chain which unites all nations of the world by the early establishment of a line of steamers from California to China. In order to facilitate this enterprise it is desirable that we should obtain from the Emperor of Japan permission to purchase from his subjects the necessary supplies of coal which our steamers, on their out and inward voyages, may require. The well-known jealousy with which the Japanese empire has, for the last two centuries, rejected all overtures from other nations to open its ports to their vessels, embarrasses all new attempts to change the exclusive policy of that country.

"The interests of commerce, and even those of humanity, demand, however, that we should make another appeal to the sovereign of that country, in asking him to sell to our steamers, not the manufactures of his artisans, or the results of the toil of his husbandmen, but a gift of Providence, deposited, by the Creator of all things, in the depths of the Japanese Islands for the benefit of the human family.

"By the president's direction I now transmit to you a letter to the Emperor of Japan, (with an open copy,) which you are to carry to Yedo, his capital, in your flagship, accompanied by as many vessels of the squadron under your command as may conveniently

be employed in this service. A Chinese translation of this letter will be furnished to you by the United States legation at Canton, or sent to your anchorage at Hong Kong or Macao.

"At one of the latter places you will probably meet with a national vessel, detached by the commodore of the squadron in the Pacific, (as you will perceive by the enclosed copy of a correspondence between this and the navy department,) to carry to you a number of shipwrecked Japanese mariners, who were some time ago picked up at sea by the bark Auckland. These men you will take with you to Yedo, and deliver them over to the officers of the emperor, giving them, through your interpreter, the assurance that the American government will never fail to treat with kindness any of the natives of Japan whom misfortune may bring to our shores, and that it expects similar treatment of such of its own citizens who may be driven on the coasts of Japan.

"The letter of the president to the Emperor of Japan you will deliver to such of his high officers as he may appoint for the purpose of receiving it. To them you will also explain the main object of your visit.

"Mineral coal is so abundant in Japan that the government of that country can have no reasonable objection to supply our steamers, at fair prices, with that great necessary of commerce. One of the eastern ports of Nippon would be the most desirable place for this purpose. Should, however, the government of Japan persist in following out its system of exclusiveness, you might, perhaps, induce them to consent to the transportation of the coal, by their own vessels, to a neighboring island, easy of access, where the steamers could supply their wants—avoiding thus the necessity of an intercourse with any large number of the people of the country.

"It is considered important that you should avail yourself of every occasion to impress upon the Japanese officers with whom you will be brought in contact, that the government of the United States does not possess any power over the religion of its own citizens, and that there is, therefore, no cause to apprehend that it will interfere with the religion of other countries.

"The president, although fully aware of the great reluctance hitherto shown by the Japanese government to enter into treaty stipulations with any foreign nation,—a feeling which it is sincerely wished that you may be able to overcome,—has thought it proper, in

anticipation of this latter favorable contingency, to invest you with full power to negotiate and sign a treaty of amity and commerce between the United States and the empire of Japan.

"I transmit, herewith, the act of the president clothing you with that power, as also copies of the treaty between the United States and China, with Siam, and with Muscat, which may, to a certain extent, be of use to you as precedents. It is important that you should secure to our vessels the right to enter one or more of the ports of Japan, and there to dispose of their cargoes, either by sale or by barter, without being subjected to extravagant port charges; and even more important is it that the government of Japan should bind itself to protect American sailors and property which may be wrecked on their shores. The second article of our treaty with Muscat, and the fifth article of our treaty with Siam, embrace these objects.

"Every treaty has to be submitted to the Senate for ratification, as you are aware. In consideration of the great distance between the two countries, and unforeseen difficulties, it would be prudent, should you succeed in effecting the object proposed, to fix the period for the exchange of the ratifications at three years.

"I am, sir, respectfully, your obedient servant,

"DANIEL WEBSTER.

"COMMODORE JOHN H. AULICK, &c., &c."

"President of the United States to the Emperor of Japan.

"MILLARD FILLMORE, PRESIDENT OF THE UNITED STATES OF AMERICA, TO HIS IMPERIAL MAJESTY THE EMPEROR OF JAPAN.

"GREAT AND GOOD FRIEND: I send you this letter by an envoy of my own appointment, an officer of high rank in his country, who is no missionary of religion. He goes by my command to bear to you my greeting and good wishes, and to promote friendship and commerce between the two countries.

"You know that the United States of America now extend from sea to sea; that the great countries of Oregon and California are parts of the United States; and that from these countries, which are rich in gold, and silver, and precious stones, our steamers can reach the shores of your happy land in less than twenty days.

"Many of our ships will now pass in every year, and some, perhaps, in every week, between California and China; these ships must pass along the coasts of your empire; storms and winds may cause them to be wrecked on your shores; and we ask and expect

from your friendship and your greatness kindness for our men, and protection for our property. We wish that our people may be permitted to trade with your people; but we shall not authorize them to break any laws of your empire.

"Our object is friendly commercial intercourse, and nothing more. You have many productions which we should be glad to buy; and we have productions which might suit your people.

"Your empire hath a great abundance of coal; this is an article which our steamships, in going from California to China, must use. They would be glad that a harbor in your empire should be appointed to which coal might be brought, and where they might always be able to purchase it.

"In many other respects commerce between your empire and our country would be useful to both. Let us consider well what new interests arise from these recent events which have brought our two countries so near together, and what purposes of friendship, amity, and intercourse they ought to inspire in the breasts of those who govern both countries. Farewell.

"Given under my hand and seal, at the city of Washington, the 10th day of May, 1851, and [L. s.] of the independence of the United States the seventy-fifth.

"By the President.

"D. WEBSTER, *Secretary of State.*"

"M. FILLMORE.

This commission was subsequently transferred to Commodore Perry, who was sent out with an independent fleet, and clothed with full powers of negotiation. The mission was conducted with great ability and complete success. The same jealousy and watchfulness, which had foiled all previous attempts to open negotiations with the emperor, characterized the movements of the officials on his first arrival. Every obstacle was thrown in the way of his communication with the shore. But conscious of power, and of a just right to demand a hearing, at least so far as the protection of shipwrecked seamen was concerned, Commodore Perry went boldly forward, passed into the forbidden harbor, cast anchor in a safe and convenient place, and insisted peremptorily on having his communication presented to the emperor, and duly answered. Prudent as well as courageous, and courteous as well as determined, he coolly and kindly persisted in his demands till immemorial usage and Japanese obstinacy gave way, and the objects of his

important mission were entirely accomplished. The details of this arrangement belong rather to the history of the subsequent administration than to that of Mr. Fillmore; but thus much is due to him, under whose auspices and instructions the successful mission was originated.

While this matter was in progress, an exploring expedition was sent to the Chinese Seas, under command of Captain Ringgold, with a view to securing safe and convenient depots for coal for steamers employed in the Pacific trade, and other safeguards and facilities for the widely-extending commerce and enterprise of the states.

Efforts were also made to open to American enterprise and commerce the immense and almost unexplored territories of the interior of South America. A favorable opportunity seemed to be afforded on the expulsion of Rosas from Buenos Ayres, and efforts were immediately made to negotiate treaties of amity and commerce with the new authorities, which would have the effect to invite American adventurers to the rich and extensive regions of the La Plata and its confluent. Investigations were also made into the character and facilities of the country watered by the Amazon and its branches; and treaties were formed with Brazil, Uruguay, Costa Rica, and Peru.

Under the strong conviction, derived from the gold washings of the rivers of Africa, that the mountains from which they take their rise would be found rich in metalliferous ore, and offer an inviting field for the enterprise of the free colored people of the states, and an inducement to them to emigrate to the land of their fathers, Lieutenant Lynch was sent thither on an exploring expedition, the results of which yet remain to be known.

The guano trade of the Pacific islands, the monopoly of which was claimed by Peru, had now become very important, and an object of envy to American adventurers. In respect to the Islands of Lobos, a difference of opinion arose between Mr. Webster, then secretary of state, and the Peruvian minister at Washington. The latter claimed them, peremptorily, as the property of Peru, and occupied by Peruvian subjects; while the former denied the right of Peru altogether, "considering them as desert islands, which had been discovered by a captain in the American service," and therefore asserting officially that "the government of the United States would protect all her subjects who might go to those islands for the purpose of taking guano." In pursuance of

these views, authority was given to American citizens to send to the Lobos Islands for guano without recognizing or submitting to any right on the part of Peru to demand payment therefor; and instructions were issued to the American squadron in the Pacific to protect all such enterprises. This order was afterwards recalled, or rather suspended, in consideration of new and plausible evidence presented by the Peruvian government of a presumptive title to the jurisdiction of those islands. The matter may be regarded as not fully settled, though the pacific policy of the United States leaves no ground of apprehension that the good understanding between the two governments will be disturbed by a question of so little importance.

During the presidency of General Taylor, a confidential agent of the government had been sent to Europe to examine and report upon the condition and prospects of the people of Hungary during their memorable, but unfortunate struggle for independence. This fact having transpired, the attention and jealousy of Austria were aroused, and her *chargé d'affaires* at Washington was instructed to remonstrate against so unprecedented and dangerous an interference in the political concerns of monarchical Europe. An animated diplomatic correspondence ensued. A severe lecture on international courtesy was read to the American secretary, which was probably expected to annihilate him, and to bring the nation on its knees. Mr. Webster, however, survived the attack, and soon satisfied the world, if not the Austrian *chargé*, that the United States government fully comprehended its position, and that remonstrances of this nature, from whatever quarter they might come, were a very unprofitable kind of diplomacy.

"Chevalier J. G. Hulsemann to the Secretary of State.

"AUSTRIAN LEGATION,

"WASHINGTON, September 30, 1850.

"The undersigned, *chargé d'affaires* of his majesty the Emperor of Austria, has been instructed to make the following communication to the secretary of state:—

"As soon as the imperial government became aware of the fact that a United States agent had been despatched to Vienna, with orders to watch for a favorable moment to recognize the Hungarian republic, and to conclude a treaty of commerce with the same, the undersigned was directed to address some confidential, but pressing representations to the cabinet of Washington against that proceeding, which

is so much at variance with those principles of international law so scrupulously adhered to by Austria, at all times, and under all circumstances, towards the United States. In fact, how is it possible to reconcile such a mission with the principle of non-intervention so formally announced by the United States as the basis of American policy, and which had just been sanctioned with so much solemnity by the president in his inaugural address of March 5, 1849? Was it in return for the friendship and confidence which Austria had never ceased to manifest towards them that the United States became so impatient for the downfall of the Austrian monarchy, and even sought to accelerate that event by the utterance of their wishes to that effect? Those who did not hesitate to assume the responsibility of sending Mr. Dudley Mann on such an errand, should, independently of considerations of propriety, have borne in mind that they were exposing their emissary to be treated as a spy. It is to be regretted that the American government was not better informed as to the actual resources of Austria, and her historical perseverance in defending her just rights. A knowledge of those resources would have led to the conclusion that a contest of a few months' duration could neither have exhausted the energies of that power nor turned aside its purpose to put down the insurrection. Austria has struggled against the French revolution for twenty-five years. The courage and perseverance which she exhibited in that memorable contest have been appreciated by the whole world.

"To the urgent representations of the undersigned, Mr. Clayton answered that Mr. Mann's mission had no other object in view than to obtain reliable information as to the true state of affairs in Hungary by personal observation. This explanation can hardly be admitted; for it says very little as to the cause of the anxiety which was felt to ascertain the chances of the revolutionists. Unfortunately, the language in which Mr. Mann's instructions were drawn gives us a very correct idea of their scope. This language was offensive to the imperial cabinet; for it designates the Austrian government as an *iron rule*, and represents the rebel chief Kossuth as an illustrious man; while improper expressions are introduced in regard to Russia, the intimate and faithful ally of Austria. Notwithstanding these hostile demonstrations, the imperial cabinet has deemed it proper to preserve a conciliatory deportment, making ample allowance for the ignorance of the cabinet of Wash-

ington on the subject of Hungarian affairs, and its disposition to give credence to the mendacious rumors which are propagated by the American press. This extremely painful incident, therefore, might have been passed over without any written evidence being left on our part in the archives of the United States, had not General Taylor thought proper to revive the whole subject by communicating to the Senate, in his message of the 18th of last March, the instructions with which Mr. Mann had been furnished on the occasion of his mission to Vienna. The publicity which has been given to that document has placed the imperial government under the necessity of entering a formal protest, through its official representative, against the proceedings of the American government, lest that government should construe our silence into approbation, or toleration even, of the principles which appear to have guided its action, and the means it has adopted.

"In view of all these circumstances the undersigned has been instructed to declare that the imperial government totally disapproves, and will always continue to disapprove, of those proceedings, so offensive to the laws of propriety, and that it protests against all interference in the internal affairs of its government. Having thus fulfilled his duty, the undersigned considers it a fortunate circumstance that he has it in his power to assure the secretary of state that the imperial government is disposed to cultivate relations of friendship and good understanding with the United States—relations which may have been momentarily weakened, but which could not again be seriously disturbed without placing the cardinal interests of the two countries in jeopardy.

"The instructions for addressing this communication to Mr. Clayton reached Washington at the time of General Taylor's death. In compliance with the requisitions of propriety, the undersigned deemed it his duty to defer the task until the new administration had been completely organized—a delay which he now rejoices at, as it has given him the opportunity of ascertaining from the new president himself, on the occasion of the reception of the diplomatic corps, that the fundamental policy of the United States, so frequently proclaimed, would guide the relations of the American government with other powers. Even if the government of the United States were to think it proper to take an indirect part in the political movements of Europe, American policy would be exposed to acts of retaliation, and to certain inconveniences,

which could not fail to affect the commerce and the industry of the two hemispheres. All countries are obliged, at some period or other, to struggle against internal difficulties; all forms of government are exposed to such disagreeable episodes; the United States have had some experience in this very recently. Civil war is a possible occurrence every where; and the encouragement which is given to the spirit of insurrection and of disorder most frequently falls back upon those who seek to aid it in its developments in spite of justice and wise policy.

"The undersigned avails himself of this occasion to renew to the secretary of state the assurance of his distinguished consideration.

"HULSEMANN.

"TO THE HON. DANIEL WEBSTER,
"Secretary of State of the United States."

"The Secretary of State to Mr. Hulsemann.

"DEPARTMENT OF STATE,
"WASHINGTON, December 21, 1850.

"The undersigned, secretary of state of the United States, had the honor to receive, some time ago, the note of Mr. Hulsemann, chargé d'affaires of his majesty the Emperor of Austria, of the 30th September. Causes, not arising from any want of personal regard for Mr. Hulsemann, or of proper respect for his government, have delayed an answer until the present moment. Having submitted Mr. Hulsemann's letter to the president, the undersigned is now directed by him to return the following reply:—

"The objects of Mr. Hulsemann's note are, first, to protest, by order of his government, against the steps taken by the late president of the United States to ascertain the progress and probable result of the revolutionary movements in Hungary; and, secondly, to complain of some expressions in the instructions of the late secretary of state to Mr. A. Dudley Mann, a confidential agent of the United States, as communicated by President Taylor to the Senate on the 28th of March last.

"The principal ground of protest is founded on the idea, or in the allegation, that the government of the United States, by the mission of Mr. Mann, and his instructions, has interfered in the domestic affairs of Austria, in a manner unjust or disrespectful towards that power. The president's message was a communication made by him to the Senate, transmitting a correspondence between the executive government and a confidential agent of its own. This would seem to be itself a domestic transaction—a mere

instance of intercourse between the president and the Senate, in the manner which is usual and indispensable in communications between the different branches of the government. It was not addressed either to Austria or Hungary; nor was it any public manifesto, to which any foreign state was called on to reply. It was an account of its transactions communicated by the executive government to the Senate, at the request of that body—made public, indeed, but made public only because such is the common and usual course of proceeding; and it may be regarded as somewhat strange, therefore, that the Austrian cabinet did not perceive, that, by the instructions given to Mr. Hulsemann, it was itself interfering with the domestic concerns of a foreign state—the very thing which is the ground of its complaint against the United States.

“This department has, on former occasions, informed the ministers of foreign powers that a communication from the president to either house of Congress is regarded as a domestic communication, of which, ordinarily, no foreign state has cognizance; and, in more recent instances, the great inconvenience of making such communications subjects of diplomatic correspondence and discussion has been fully shown. If it had been the pleasure of his majesty the Emperor of Austria, during the struggles in Hungary, to have admonished the provisional government, or the people of that country, against involving themselves in disaster by following the evil and dangerous example of the United States of America in making efforts for the establishment of independent governments, such an admonition from that sovereign to his Hungarian subjects would not have originated here a diplomatic correspondence. The president might, perhaps, on this ground, have declined to direct any particular reply to Mr. Hulsemann’s note; but, out of proper respect for the Austrian government, it has been thought better to answer that note at length—and the more especially as the occasion is not unfavorable for the expression of the general sentiments of the government of the United States upon the topics which that note discusses.

“A leading subject in Mr. Hulsemann’s note is that of the correspondence between Mr. Hulsemann and the predecessor of the undersigned, in which Mr. Clayton, by direction of the president, informed Mr. Hulsemann ‘that Mr. Mann’s mission had no other object in view than to obtain reliable information as to the true state of affairs in Hungary by personal

observation.’ Mr. Hulsemann remarks, that ‘this explanation can hardly be admitted; for it says very little as to the cause of the anxiety which was felt to ascertain the chances of the revolutionists.’ As this, however, is the only purpose which can with any appearance of truth be attributed to the agency,—as nothing whatever is alleged by Mr. Hulsemann to have been either done or said by the agent inconsistent with such an object,—the undersigned conceives that Mr. Clayton’s explanation ought to be deemed not only admissible, but quite satisfactory. Mr. Hulsemann states, in the course of his note, that his instructions to address his present communication to Mr. Clayton reached Washington about the time of the lamented death of the late president, and that he delayed, from a sense of propriety, the execution of his task until the new administration should be fully organized—‘a delay which he now rejoices at, as it has given him the opportunity of ascertaining from the new president himself, on the occasion of the reception of the diplomatic corps, that the fundamental policy of the United States, so frequently proclaimed, would guide the relations of the American government with other powers.’ Mr. Hulsemann also observes, that it is in his power to assure the undersigned ‘that the imperial government is disposed to cultivate relations of friendship and good understanding with the United States.’ The president receives this assurance of the disposition of the imperial government with great satisfaction; and, in consideration of the friendly relations of the two governments, thus mutually recognized, and of the peculiar nature of the incidents by which their good understanding is supposed by Mr. Hulsemann to have been for a moment disturbed or endangered, the president regrets that Mr. Hulsemann did not feel himself at liberty wholly to forbear from the execution of instructions which were of course transmitted from Vienna without any foresight of the state of things under which they would reach Washington. If Mr. Hulsemann saw in the address of the president to the diplomatic corps satisfactory pledges of the sentiments and the policy of this government in regard to neutral rights and neutral duties, it might perhaps have been better not to bring on a discussion of past transactions. But the undersigned readily admits that this was a question fit only for the consideration and decision of Mr. Hulsemann himself; and although the president does not see that any good purpose can be answered by reopening the inquiry into the propriety

of the steps taken by President Taylor to ascertain the probable issue of the late civil war in Hungary, justice to his memory requires the undersigned briefly to restate the history of those steps, and to show their consistency with the neutral policy which has invariably guided the government of the United States in its foreign relations, as well as with the established and well-settled principles of national intercourse and the doctrines of public law.

"The undersigned will first observe that the president is persuaded his majesty the Emperor of Austria does not think that the government of the United States ought to view with unconcern the extraordinary events which have occurred, not only in his dominions, but in many other parts of Europe, since February, 1848. The government and people of the United States, like other intelligent governments and communities, take a lively interest in the movements and the events of this remarkable age, in whatever part of the world they may be exhibited. But the interest taken by the United States in those events has not proceeded from any disposition to depart from that neutrality towards foreign powers which is among the deepest principles and the most cherished traditions of the political history of the Union. It has been the necessary effect of the unexampled character of the events themselves, which could not fail to arrest the attention of the contemporary world, as they will doubtless fill a memorable page in history. But the undersigned goes further, and freely admits, that, in proportion as these extraordinary events appeared to have their origin in those great ideas of responsible and popular governments on which the American constitutions themselves are wholly founded, they could not but command the warm sympathy of the people of this country.

"Well-known circumstances in their history — indeed their whole history — have made them the representatives of purely popular principles of government. In this light they now stand before the world. They could not, if they would, conceal their character, their condition, or their destiny. They could not, if they so desired, shut out from the view of mankind the causes which have placed them, in so short a national career, in the station which they now hold among the civilized states of the world. They could not, if they desired it, suppress either the thoughts or the hopes which arise in men's minds, in other countries, from contemplating their successful example of free government. That very intelligent and distinguished

personage, the Emperor Joseph II., was among the first to discern this necessary consequence of the American revolution on the sentiments and opinions of the people of Europe. In a letter to his minister in the Netherlands, in 1787, he observes, that 'it is remarkable that France, by the assistance which she afforded to the Americans, gave birth to reflections on freedom.' This fact, which the sagacity of that monarch perceived at so early a day, is now known and admitted by intelligent powers all over the world. True, indeed, it is, that the prevalence on the other continent of sentiments favorable to republican liberty is the result of the reaction of America upon Europe; and the source and centre of this reaction has doubtless been, and now is, in these United States. The position thus belonging to the United States is a fact as inseparable from their history, their constitutional organization, and their character, as the opposite position of the powers composing the European alliance is from the history and constitutional organization of the governments of those powers. The sovereigns who form that alliance have not unfrequently felt it their right to interfere with the political movements of foreign states, and have, in their manifestoes and declarations, denounced the popular ideas of the age in terms so comprehensive as of necessity to include the United States and their forms of government. It is well known that one of the leading principles announced by the allied sovereigns after the restoration of the Bourbons, is, that all popular or constitutional rights are holden no otherwise than as grants and indulgences from crowned heads. 'Useful and necessary changes in legislation and administration,' says the Laybach Circular of May, 1821, 'ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power. All that deviates from this line necessarily leads to disorder, commotions, and evils far more insufferable than those which they pretend to remedy.' And his late Austrian majesty Francis I. is reported to have declared, in an address to the Hungarian Diet in 1820, that 'the whole world had become foolish, and, leaving their ancient laws, were in search of imaginary constitutions.' These declarations amount to nothing less than a denial of the lawfulness of the origin of the government of the United States, since it is certain that that government was established in consequence of a change which did not proceed from thrones or the permission of crowned heads. But the government of the United

States heard these denunciations of its fundamental principles without remonstrance or the disturbance of its equanimity. This was thirty years ago.

"The power of this republic at the present moment is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the house of Hapsburg are but as a patch on the earth's surface. Its population—already twenty-five millions—will exceed that of the Austrian empire within the period during which it may be hoped that Mr. Hulsemann may yet remain in the honorable discharge of his duties to his government. Its navigation and commerce are hardly exceeded by the oldest and most commercial nations; its maritime means and its maritime power may be seen by Austria herself in all seas where she has ports, as well as it may be seen, also, in all other quarters of the globe. Life, liberty, property, and all personal rights, are amply secured to all citizens, and protected by just and stable laws; and credit, public and private, is as well established as in any government of continental Europe. And the country, in all its interests and concerns, partakes most largely in all the improvements and progress which distinguish the age. Certainly the United States may be pardoned, even by those who profess adherence to the principles of absolute governments, if they entertain an ardent affection for those popular forms of political organization which have so rapidly advanced their own prosperity and happiness, and enabled them in so short a period to bring their country and the hemisphere to which it belongs to the notice and respectful regard—not to say the admiration—of the civilized world. Nevertheless, the United States have abstained at all times from acts of interference with the political changes of Europe. They cannot, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own. But this sympathy, so far from being necessarily a hostile feeling towards any of the parties to these great national struggles, is quite consistent with amicable relations with them all. The Hungarian people are three or four times as numerous as the inhabitants of these United States were when the American revolution broke out. They possess, in a distinct language, and in other respects, important elements of a separate nationality, which the Anglo-Saxon race in this country did not possess. And if the United States wish success to countries contending for popular constitutions and national independence, it is only

because they regard such constitutions and such national independence not as imaginary, but as real blessings. They claim no right, however, to take part in the struggles of foreign powers in order to promote these ends. It is only in defence of his own government and its principles and character that the undersigned has now expressed himself on this subject. But when the United States behold the people of foreign countries, without any such interference, spontaneously moving towards the adoption of institutions like their own, it surely cannot be expected of them to remain wholly indifferent spectators.

"In regard to the recent very important occurrences in the Austrian empire, the undersigned freely admits the difficulty which exists in this country, and is alluded to by Mr. Hulsemann, of obtaining accurate information. But this difficulty is by no means to be ascribed to what Mr. Hulsemann calls—with little justice, as it seems to the undersigned—'the mendacious rumors propagated by the American press.' For information on this subject, and others of the same kind, the American press is, of necessity, almost wholly dependent upon that of Europe; and if 'mendacious rumors' respecting Austrian and Hungarian affairs have been any where propagated, that propagation of falsehoods has been most prolific on the European continent, and in countries immediately bordering on the Austrian empire. But, wherever these errors may have originated, they certainly justified the late president in seeking true information through authentic channels. His attention was first particularly drawn to the state of things in Hungary by the correspondence of Mr. Stiles, chargé d'affaires of the United States at Vienna. In the autumn of 1848 an application was made to this gentleman on behalf of Mr. Kossuth, formerly minister of finance for the kingdom of Hungary by imperial appointment, but, at the time the application was made, chief of the revolutionary government. The object of this application was to obtain the good offices of Mr. Stiles with the imperial government with a view to the suspension of hostilities. This application became the subject of a conference between Prince Schwarzenberg, the imperial minister for foreign affairs, and Mr. Stiles. The prince commended the considerateness and propriety with which Mr. Stiles had acted, and, so far from disapproving his interference, advised him, in case he received a further communication from the revolutionary government in Hungary, to have an interview with Prince

Windischgratz, who was charged by the emperor with the proceedings determined on in relation to that kingdom. A week after these occurrences, Mr. Stiles received, through a secret channel, a communication signed by L. Kossuth, President of the Committee of Defence, and countersigned by Francis Pulsky, Secretary of State. On the receipt of this communication Mr. Stiles had an interview with Prince Windischgratz, 'who received him with the utmost kindness, and thanked him for his efforts towards reconciling the existing difficulties.' Such were the incidents which first drew the attention of the government of the United States particularly to the affairs of Hungary; and the conduct of Mr. Stiles, though acting without instructions, in a matter of much delicacy, having been viewed with satisfaction by the imperial government, was approved by that of the United States.

"In the course of the year 1848 and the early part of 1849 a considerable number of Hungarians came to the United States. Among them were individuals representing themselves to be in the confidence of the revolutionary government; and by these persons the president was strongly urged to recognize the existence of that government. In these applications, and in the manner in which they were viewed by the president, there was nothing unusual; still less was there any thing unauthorized by the law of nations. It is the right of every independent state to enter into friendly relations with every other independent state. Of course, questions of prudence naturally arise in reference to new states brought by successful revolutions into the family of nations; but it is not to be required of neutral powers that they should await the recognition of the new government by the parent state. No principle of public law has been more frequently acted upon within the last thirty years by the great powers of the world than this. Within that period eight or ten new states have established independent governments within the limits of the colonial dominions of Spain on this continent; and in Europe the same thing has been done by Belgium and Greece. The existence of all these governments was recognized by some of the leading powers of Europe, as well as by the United States, before it was acknowledged by the states from which they had separated themselves. If, therefore, the United States had gone so far as formally to acknowledge the independence of Hungary, although, as the result has proved, it would have been a precipitate step, and

one from which no benefit would have resulted to either party, it would not, nevertheless, have been an act against the law of nations, provided they took no part in her contest with Austria. But the United States did no such thing. Not only did they not yield to Hungary any actual countenance or succor; not only did they not show their ships of war in the Adriatic with any menacing or hostile aspect, but they studiously abstained from every thing which had not been done in other cases in times past, and contented themselves with instituting an inquiry into the truth and reality of alleged political occurrences. Mr. Hulsemann incorrectly states — unintentionally, certainly — the nature of the mission of this agent when he says that 'a United States agent had been despatched to Vienna with orders to watch for a favorable moment to recognize the Hungarian republic, and to conclude a treaty of commerce with the same.' This, indeed, would have been a lawful object; but Mr. Mann's errand was, in the first instance, purely one of inquiry. He had no power to act, unless he had first come to the conviction that a firm and stable Hungarian government existed. 'The principal object the president has in view,' according to his instructions, 'is to obtain minute and reliable information in regard to Hungary in connection with the affairs of adjoining countries, the probable issue of the present revolutionary movements, and the chances we may have of forming commercial arrangements with that power favorable to the United States.' Again, in the same paper, it is said, 'The object of the president is to obtain information in regard to Hungary and her resources and prospects, with a view to an early recognition of her independence and the formation of commercial relations with her.' It was only in the event that the new government should appear, in the opinion of the agent, to be firm and stable, that the president proposed to recommend its recognition.

"Mr. Hulsemann, in qualifying these steps of President Taylor with the epithet of 'hostile,' seems to take for granted that the inquiry could, in the expectation of the president, have but one result, and that favorable to Hungary. If this were so, it would not change the case. But the American government sought for nothing but truth; it desired to learn the facts through a reliable channel. It so happened, in the chances and vicissitudes of human affairs, that the result was adverse to the Hungarian revolution. The American agent — as was stated in his instructions

to be not unlikely — found the condition of Hungarian affairs less prosperous than it had been, or had been believed to be. He did not enter Hungary, nor hold any direct communication with her revolutionary leaders. He reported against the recognition of her independence because he found that she had been unable to set up a firm and stable government. He carefully forbore, as his instructions required, to give publicity to his mission; and the undersigned supposes that the Austrian government first learned its existence from the communications of the president to the Senate.

“Mr. Hulsemann will observe from this statement that Mr. Mann’s mission was wholly unobjectionable, and strictly within the rule of the law of nations, and the duty of the United States as a neutral power. He will accordingly feel how little foundation there is for his remark, that ‘those who did not hesitate to assume the responsibility of sending Mr. Dudley Mann on such an errand, should, independently of considerations of propriety, have borne in mind that they were exposing their emissary to be treated as a spy.’ A spy is a person sent by one belligerent to gain secret information of the forces and defences of the other, to be used for hostile purposes. According to practice, he may use deception, under the penalty of being lawfully hanged if detected. To give this odious name and character to a confidential agent of a neutral power, bearing the commission of his country, and sent for a purpose fully warranted by the law of nations, is not only to abuse language, but also to confound all just ideas, and to announce the wildest and most extravagant notions, such as certainly were not to have been expected in a grave diplomatic paper; and the president directs the undersigned to say to Mr. Hulsemann that the American government would regard such an imputation upon it by the cabinet of Austria as that it employs spies, and that in a quarrel none of its own, as distinctly offensive, if it did not presume, as it is willing to presume, that the word used in the original German was not of equivalent meaning with ‘spy’ in the English language, or that in some other way the employment of such an opprobrious term may be explained. Had the imperial government of Austria subjected Mr. Mann to the treatment of a spy, it would have placed itself without the pale of civilized nations; and the cabinet of Vienna may be assured, that, if it had carried, or attempted to carry, any such lawless purpose into effect in the case of an authorized agent of this govern-

ment, the spirit of the people of this country would have demanded immediate hostilities to be waged by the utmost exertion of the power of the republic, military and naval.

“Mr. Hulsemann proceeds to remark, that ‘this extremely painful incident, therefore, might have been passed over, without any written evidence being left on our part in the archives of the United States, had not General Taylor thought proper to revive the whole subject by communicating to the Senate, in his message of the 18th [28th] of last March, the instructions with which Mr. Mann had been furnished on the occasion of his mission to Vienna. The publicity which has been given to that document has placed the imperial government under the necessity of entering a formal protest, through its official representative, against the proceedings of the American government, lest that government should construe our silence into approbation, or toleration even, of the principles which appear to have guided its action, and the means it has adopted.’ The undersigned reasserts to Mr. Hulsemann, and to the cabinet of Vienna, and in the presence of the world, that the steps taken by President Taylor, now protested against by the Austrian government, were warranted by the law of nations, and agreeable to the usages of civilized states. With respect to the communication of Mr. Mann’s instructions to the Senate, and the language in which they are couched, it has already been said — and Mr. Hulsemann must feel the justness of the remark — that these are domestic affairs, in reference to which the government of the United States cannot admit the slightest responsibility to the government of his imperial majesty. No state, deserving the appellation of independent, can permit the language in which it may instruct its own officers in the discharge of their duties to itself to be called in question, under any pretext, by a foreign power. But, even if this were not so, Mr. Hulsemann is in an error in stating that the Austrian government is called an ‘iron rule’ in Mr. Mann’s instructions. That phrase is not found in the paper; and in respect to the honorary epithet bestowed in Mr. Mann’s instructions on the late chief of the revolutionary government of Hungary, Mr. Hulsemann will bear in mind that the government of the United States cannot justly be expected, in a confidential communication to its own agent, to withhold from an individual an epithet of distinction of which a great part of the world thinks him worthy, merely on the ground that his own government regards him as

a rebel. At an early stage of the American revolution, while Washington was considered by the English government as a rebel chief, he was regarded on the continent of Europe as an illustrious hero. But the undersigned will take the liberty of bringing the cabinet of Vienna into the presence of its own predecessors, and of citing for its consideration the conduct of the imperial government itself. In the year 1777 the war of the American revolution was raging all over these United States; England was prosecuting that war with a most resolute determination, and by the exertion of her military means to the fullest extent. Germany was at that time at peace with England; and yet an agent of that Congress which was looked upon by England in no other light than that of a body in open rebellion was not only received with great respect by the ambassador of the empress queen at Paris, and by the minister of the Grand Duke of Tuscany, who afterwards mounted the imperial throne, but resided in Vienna for a considerable time — not, indeed, officially acknowledged, but treated with courtesy and respect; and the emperor suffered himself to be persuaded by that agent to exert himself to prevent the German powers from furnishing troops to England to enable her to suppress the rebellion in America. Neither Mr. Hulsemann nor the cabinet of Vienna, it is presumed, will undertake to say that any thing said or done by this government in regard to the recent war between Austria and Hungary is not borne out, and much more than borne out, by this example of the imperial court. It is believed that the Emperor Joseph II. habitually spoke in terms of respect and admiration of the character of Washington, as he is known to have done of that of Franklin; and he deemed it no infraction of neutrality to inform himself of the progress of the revolutionary struggle in America, or to express his deep sense of the merits and the talents of those illustrious men who were then leading their country to independence and renown. The undersigned may add, that, in 1781, the courts of Russia and Austria proposed a diplomatic congress of the belligerent powers, to which the commissioners of the United States should be admitted.

“Mr. Hulsemann thinks that in Mr. Mann’s instructions improper expressions are introduced in regard to Russia; but the undersigned has no reason to suppose that Russia herself is of that opinion. The only observation made in those instructions about Russia is, that she ‘has chosen to assume an attitude

of interference; and her immense preparations for invading and reducing the Hungarians to the rule of Austria — from which they desire to be released — give so serious a character to the contest as to awaken the most painful solicitude in the minds of Americans.’ The undersigned cannot but consider the Austrian cabinet as unnecessarily susceptible in looking upon language like this as a ‘hostile demonstration.’ If we remember that it was addressed by the government to its own agent, and has received publicity only through a communication from one department of the American government to another, the language quoted must be deemed moderate and inoffensive. The comity of nations would hardly forbid its being addressed to the two imperial powers themselves. It is scarcely necessary for the undersigned to say that the relations of the United States with Russia have always been of the most friendly kind, and have never been deemed by either party to require any compromise of their peculiar views upon subjects of domestic or foreign polity, or the true origin of governments. At any rate, the fact that Austria, in her contest with Hungary, had an intimate and faithful ally in Russia, cannot alter the real nature of the question between Austria and Hungary, or in any way affect the neutral rights and duties of the government of the United States, or the justifiable sympathies of the American people. It is, indeed, easy to conceive that favor towards struggling Hungary would not be diminished, but increased, when it was seen that the arm of Austria was strengthened and upheld by a power whose assistance threatened to be, and which in the end proved to be, overwhelmingly destructive of all her hopes.

“Towards the conclusion of his note, Mr. Hulsemann remarks, that ‘if the government of the United States were to think it proper to take an indirect part in the political movements of Europe, American policy would be exposed to acts of retaliation, and to certain inconveniences, which would not fail to affect the commerce and the industry of the two hemispheres.’ As to this possible fortune, this hypothetical retaliation, the government and people of the United States are quite willing to take their chances, and abide their destiny. Taking neither a direct nor an indirect part in the domestic or intestine movements of Europe, they have no fear of events of the nature alluded to by Mr. Hulsemann. It would be idle now to discuss with Mr. Hulsemann those acts of retaliation which he imagines may possibly take

place at some indefinite time hereafter. Those questions will be discussed when they arise; and Mr. Hülsemann and the cabinet at Vienna may rest assured that, in the mean time, while performing with strict and exact fidelity all their neutral duties, nothing will deter either the government or the people of the United States from exercising, at their own discretion, the rights belonging to them as an independent nation, and of forming and expressing their own opinions, freely and at all times, upon the great political events which may transpire among the civilized nations of the earth. Their own institutions stand upon the broadest principles of civil liberty; and, believing those principles and the fundamental laws in which they are embodied to be eminently favorable to the prosperity of States,—to be, in fact, the only principles of government which meet the demands of the present enlightened age,—the president has perceived with great satisfaction that, in the constitution recently introduced into the Austrian empire, many of these great principles are recognized and applied, and he cherishes a sincere wish that they may produce the same happy effects throughout his Austrian Majesty's extensive dominions that they have done in the United States.

"The undersigned has the honor to repeat to Mr. Hülsemann the assurance of his high consideration.

"DANIEL WEBSTER."

Allusion has already been made to a demonstration of jealousy, on the part of Austria, on account of the interest taken by the American people and government in the effort of Hungary to shake off the yoke of the Hapsburgs. This sentiment received a new and stronger impulse in the following year.

Kossuth, the able and illustrious Magyar chief, having arrived in the country towards the close of the year 1851, was every where hailed with acclamations of welcome, and listened to by admiring millions, in his masterly advocacy of the cause he represented. The people every where sympathized in his desire and request for active intervention in favor of republican freedom in Europe. The government, on the contrary, bound by precedent and traditional maxims of political prudence, carefully abstained from any action which could by any means lead to "entangling alliances" in the old world, or awaken suspicion, on the part of the despoticisms there, that substantial encouragement, or material aid, would be proffered, or given, to the revolutionary

spirit which threatened the stability of their thrones. The matter was earnestly discussed in Congress, and in the legislative halls of the states, and ready active intervention in behalf of struggling freedom was ably and urgently advocated by many of the most eminent and influential men in the country. Members of the cabinet, senators, judges, legislators, and persons in all ranks and stations were loud in their encomiums of the exalted character and services of Kossuth, and liberal in their expressions of sympathy with him and his cause. He was received with public, civic, and military honors in all the principal cities and towns through which he passed, was escorted from place to place with the honors of a conqueror, and fêted every where, as if he were the nation's guest. At Washington, he was assigned an honorary seat in the Capitol during the session of Congress, and invited to a public dinner got up by private subscription, at which most of the leading men of both houses of Congress were present. On this, as on similar occasions, throughout the country, he addressed the people in advocacy of the cause of the oppressed people of Europe, and was freely responded to by men of all parties and from all sections. It was here that Daniel Webster, then secretary of state, gave him, in his capacity of a private citizen, the right hand of fellowship, and proclaimed his entire and cordial sympathy with the cause he represented. This speech gave great offence to the Austrian representative, Chevalier Hülsemann, who had been all but annihilated in his official controversy with "the great secretary," some months before. He now renewed the onset by calling Mr. Webster to account for the revolutionary sentiments uttered in his speech at the Kossuth dinner. Accustomed to entire freedom of thought and speech, as a private individual, the secretary paid no attention to the call. This only offended the chevalier's dignity the more. Annoyed, at the same time, by the freedom with which the public press discussed him and his affairs, he appealed personally to the president, which was contrary to all diplomatic usage and courtesy. Finding no satisfaction from any quarter, and worsted in every conflict with the constitutional Hercules, he petulantly withdrew from the country, and remained absent until after Mr. Webster's decease—a commendable exhibition of "the better part of valor," which, if earlier made, would have saved him no little mortification. The following correspondence will more fully illustrate this ridiculous episode in diplomacy.

"The Chevalier Hulsemann to the Secretary of State.

"AUSTRIAN LEGATION,
"WASHINGTON, April 29, 1852.

"MR. SECRETARY OF STATE: On my return from Havana, very lately, I found that the moment had arrived for carrying out the intentions of my government in regard to my official relations with the government of the United States. The secretary of state has not thought proper to reply to the note, which I deemed it my duty to address him, under date of December 13, relative to the reception and military honors which had been paid to Kossuth by the federal authorities.

"The secretary of state had induced me to hope that my interviews with him at the department of state would no longer be commented upon in a style of derision, in certain newspapers of Baltimore and Philadelphia. These assurances, which had been given me in writing even, were immediately burlesqued in those very sheets, and have only led to fresh virulent attacks, which have been continued in a journal very largely circulated in New Orleans; and during my passage through that city, I was made the subject of demonstrations of an extremely disagreeable character.

"I thought it my duty then (the 21st of November last) to inform the president of these improprieties, so singularly countenanced; and thereupon the secretary of state declared to me, (on the 28th of November) that henceforth his intercourse with me must be exclusively in writing.

"On the 7th of January last, the secretary of state thought it fit to deliver publicly, and in the presence of Kossuth, a revolutionary address, in which he openly held out encouragement to Hungary, spurring her on to a new rebellion, and formally proposed a toast for the speedy emancipation of that kingdom. This demonstration partook of so strange a character, it was so much at variance with the most common international courtesy, and the positive promises you had given me at the department of state, that I thought it incumbent on me to apply at once to the highest authority of the republic, in order to ascertain whether the address in question imbodyed the sentiment of the government of the United States.

"I consider myself fortunate in being able to say that the imperial government, approving of the step I had taken, has fully appreciated the declaration the president thought proper to make to me, on the 12th of January last, in favor of maintaining

friendly relations between Austria and the United States.

"These verbal assurances have not been followed since by any action on the part of the secretary of state in order to corroborate, officially, the declaration of the president, and to effect a satisfactory reconciliation.

"After having specified with a great deal of caution the hostile proceedings of the secretary of state, and after having demonstrated the false and disagreeable position which has been the result of such proceedings, I think it my duty to declare, from motives of propriety very palpable, that my government could not allow me to remain here any longer, to continue an official intercourse with the principal promoters of the much to be lamented Kossuth episode.

"I avail myself of this occasion to tender my respectful thanks to the president for his invariably obliging conduct towards me. M. August Belmont, consul general of Austria in New York, will continue to perform his functions until further orders.

"Please to accept, Mr. Secretary of State, the expression of my distinguished consideration.

"HULSEMANN.

"TO HON. DANIEL WEBSTER,
"Secretary of State of the United States."

"Mr. Hunter to the Chevalier Hulsemann.

"DEPARTMENT OF STATE,
"WASHINGTON, May 3, 1852.

"SIR: Your communication to the secretary of state of the 29th ult., announcing your intention to leave the United States, and stating that Mr. August Belmont, the consul general of Austria, at New York, will continue in the discharge of his functions until further orders, has been received.

"In reply, I have the honor to inform you that Mr. Belmont is well known to the secretary of state, as a gentleman of much respectability; any communication which it may be proper for him to address to the department in his official character will be received with entire respect. I avail myself of this occasion to offer to you, sir, the assurance of my high consideration.

"W. HUNTER,
"Acting Secretary.

"TO CHEVALIER HULSEMANN, &c., &c., Austria."

"The Secretary of State to Mr. McCurdy.

"DEPARTMENT OF STATE,
"WASHINGTON, June 8, 1852.

"SIR: I transmit a copy of a note of the 29th April last, addressed to me by the Chevalier Hulsemann,

announcing his intention of returning to Austria. This note reached me in Baltimore, I being then bound on a visit to Massachusetts, from which I have now lately returned. On receiving it, I directed Mr. Hunter to return the answer, a copy of which is also herewith enclosed.

"It is obvious from the tenor of all his recent communications to this department, that the Chevalier Hulsemann's experience in the diplomatic service of his government has not instructed him accurately in the nature and limits of his official functions, and that, notwithstanding his long residence in this country, he is quite uninformed as to the character of our institutions and the responsibilities of public men in the United States, for their acts or their sentiments in a private capacity in regard to foreign powers.

"The Chevalier Hulsemann came hither in 1838, as secretary of legation under the highly accomplished Baron de Maréscall, who was accredited as envoy extraordinary of his imperial majesty. Ever since the retirement of that gentleman he has acted as chargé d'affaires, but, so far as we are aware, without any regular commission from his government. It is certain that he has never been accredited to this department by the Austrian minister for foreign affairs.

"The Chevalier Hulsemann, it appears, has yet to learn that no foreign government or its representative can take just offence at any thing which an officer of this government may say in his private capacity. Official communications only are to be regarded as indicating the sentiments and views of the government of the United States. If those communications are friendly in their character, the foreign government has no right or reason to infer that there is any insincerity in them, or to point to other matters as showing the real sentiments of the government.

"You will see from the Chevalier Hulsemann's note that he made an appeal to the president against what he calls newspaper improprieties, and unofficial remarks of the head of this department. The president, actuated by a benevolent desire to preserve unimpaired the friendly relations between the two governments, waived ceremony, and unofficially listened to his remarks. In pursuing this course, however, he by no means intended to allow the Chevalier Hulsemann to suppose that he was not well aware of his official position. The Chevalier Hulsemann should know that a charge d'affaires, whether regularly commissioned or acting as such without commission, can hold official intercourse only with the department of

state. He has no right even to converse with the president on matters of business, and may consider it as a liberal courtesy that he is presented to him at all. I take it for granted that if you should imagine the Austrian minister for foreign affairs had offended you, you would claim no right of appeal to the emperor. Although usually we are not rigid in these matters, yet a marked disregard of ordinary forms implies disrespect to the government itself.

"I shall not, of course, notice the specific subjects of complaint of Chevalier Hulsemann. Whatever is personal to him must be allowed to pass without observation. You are at liberty to read this despatch to the Austrian minister for foreign affairs.

"I am, sir, respectfully your obedient servant,

"DANIEL WEBSTER.

"C. J. McCURDY, &c., &c., Vienna."

About this period another effort was made, from another quarter, to obtain the official intervention of the American government in the political affairs of Europe. This was in the form of a petition from the Irish citizens, of whom there were many thousands in the states, requesting the president to solicit from the British crown a pardon for Smith O'Brien and his associates, who were then under conviction for high treason, for the part they took in the Irish rebellion. This was evidently a political move, intended for effect at home rather than abroad. The president understood it as such, and, while he would not have shrunk, as an individual, from any service which humanity might reasonably have demanded from him, respectfully declined to interfere officially in the matter.

In November, 1851, "a little cloud, no bigger than a man's hand," but such a one as wars are often made out of, darkened the political horizon on the side towards Great Britain.

The American steamer *Prometheus*, the property of the American Atlantic and Pacific Ship Canal Company, having on board some five hundred passengers, being about to leave the harbor of San Juan de Nicaragua, or Greytown, was boarded by a police force, and served with a process of attachment on the ship and captain, for certain charges claimed as port dues, which the captain refused to pay. Thereupon, the English brig of war *Express*, lying in the harbor, immediately got under weigh, made sail for the steamer, and, when within a quarter of a mile of her fired a shot over her forecabin, and a few minutes

afterwards another over her stern, which passed so near that the force of the ball was distinctly felt by several persons on board. The captain of the steamer then sent a boat on board the brig to inquire the cause of the firing. The captain of the brig replied, that it was to protect the authorities of Greytown in their demands; that, if the steamer did not immediately anchor, he would fire a bombshell into her; and he ordered his guns to be loaded with grape and canister shot. The steamer then proceeded to the anchorage and anchored. The brig anchored very near the steamer, sent a boat on board the latter with orders that the fires should be extinguished, and to say that an officer would be sent to see that this was done. The authorities then came on board, the amount demanded was paid under protest, and the steamer was permitted to proceed to sea.

This matter being duly represented to the American government, an explanation on the part of Great Britain was promptly demanded. Immediately upon receipt of official intelligence of the facts in the case, her majesty's government entirely disavowed the proceeding of the commander of the Express, as an act of violence and an infraction of treaty engagements.

During the presidency of Mr. Fillmore a very important question between the government of the United States and that of Great Britain underwent a thorough examination, in an able and voluminous diplomatic correspondence, the results of which have since been realized in a reciprocity treaty with the British North American colonies, and the favorable adjustment of the fisheries on the Banks of Newfoundland, and the waters adjacent thereto.

The Congress of 1851-2, in pursuance of a suggestion of the president, passed a bill for the erection of a Lunatic Asylum in the city of Washington, and appropriated \$100,000 to carry it into effect. In the course of the same year, the site was selected, plans adopted, and the work commenced.

* HENRY CLAY, born in Hanover county, Virginia, on the 12th of April, 1777, died at Washington, District of Columbia, on the 28th of June, 1852, aged 75 years. He was the son of a poor Baptist clergyman, John Clay, who died when Henry was but five years old, leaving seven children to the care of a most excellent mother, who married again ten years afterwards, and removed to Kentucky. Henry remained some years in Virginia, and at fourteen years of age was employed in a small store in Richmond, whence he was soon transferred to a law office, where he attracted the notice of Chancellor Wythe. He left Richmond in 1797, with a license to practise law, and emigrated to Lexington, Kentucky, where he opened an office as a lawyer, and, though poor and friendless, rapidly acquired an extensive and lucrative practice. He was very soon attracted to

The second session of the 31st Congress was marked by one of those solemn and impressive events which twice before had stirred the heart of Congress and of the nation to its centre, silencing all conflicts, harmonizing all opinions, and mingling all voices in eulogy over fallen greatness, and mourning for national loss. As Adams and Calhoun, after a long life of public service, had fallen at their posts, spending their last breath in the service of their country, and lying down to die under the dome of the Capitol, so fell, in his turn, their noble compeer, Henry Clay, his last expiring energies devoted to the interests of a country he had honored no less than he had loved. His health had been long declining, and he had not been able to take much active part in the duties of the session. He had come to Washington, in the faint hope that, weak as he was, his influence might avail something to the public weal, which was dearer to him than his own personal repose or comfort. He died on the 28th of June, 1852, a little before the hour of noon.

Congress was just meeting as the news of his decease sped over Washington. The fact was simply announced on either floor, and an adjournment, therefore, moved and carried. The next day was devoted to eulogies and appointments for the funeral. The ashes of the great commoner were committed to the charge of a strong committee of members of each house, and so conveyed through Baltimore, Philadelphia, Trenton, New York, Albany, Rochester, Buffalo, Cleveland, Columbus, Cincinnati, &c., &c., to Lexington, and there deposited in the tomb at Ashland which Mr. Clay had previously provided. There let them rest forever, and thither let reverent steps be turned from every quarter of our Union, to gaze on the earth enfolding the dust which once enshrined the wise legislator, the fearless orator, the fervent patriot, and the unpretending champion of justice, truth, and humanity.*

the political arena by the agitation preceding the exchange of a territorial for a state government, in which he bore an active part, distinguishing himself by his public efforts in favor of affixing a constitutional limit to the existence of slavery in the embryo state. Defeated on this point, he embarked most heartily in the cause of the party then mustering under the banner of Thomas Jefferson, in opposition to the alien and sedition acts of John Adams's administration. Here he had the popular current on his side, Kentucky being almost unanimous in its adhesion to Mr. Jefferson and the republican party.

His first public station was that of representative in the state legislature, to which he was nominated and elected while absent from the county. He served two years in the assembly, and was, in 1806,

The quadrennial election of 1852 was one which, though it moved the country to its centre as usual, illustrated beautifully the peaceful supremacy of the ballot box. The number of candidates for the presidency was unusually large, and public sentiment was

chosen by the two houses to fill a short vacancy in the Senate of the United States, where he took his seat on the 29th of December, 1806, serving but a single term, in which he proposed a resolve looking to a comprehensive system of internal improvement by the Federal government, which passed the Senate with only three dissenting voices.

The next summer he was chosen again to the state legislature, where he served two years more, submitting a series of resolves approving the embargo and the general course of President Jefferson, which were adopted in the house by a vote of sixty-four to one. He also introduced a resolve proposing that each member should clothe himself entirely in American fabrics, which likewise prevailed, but was so acrimoniously denounced as to involve him in a duel with its chief antagonist, Mr. Humphrey Marshall, in which both combatants were slightly wounded.

Mr. Clay returned to the United States Senate in December, 1809, having been again elected to fill a vacancy; and again distinguished himself by his efforts in favor of the encouragement of home manufactures. He spoke and voted in favor of assuming the River Perdidó as the true line between Louisiana and Florida, in opposition to the pretensions of Spain; and at the following session earnestly opposed the recharter of the first United States Bank. He remained in the Senate but two sessions, but left it with a reputation as a debater and legislator which few have attained so early in life.

In 1811 he was for the first time elected to the House of Representatives, whereof he was, on its assembling, chosen speaker by a large majority. He was one of the master spirits of the majority by which war with Great Britain was urged upon President Madison, and finally carried. He remained in the house as a leading advocate of war measures, having been rechosen speaker on the assembling of a new Congress in May, 1813, until January 19, 1814, when he resigned in order to proceed to Europe as one of five commissioners to negotiate a treaty of peace — meeting the British commissioners first at Gottingen, and afterwards at Ghent, where a peace was signed on the 18th of December, 1814, though the battle of New Orleans, which practically closed the war, was fought three weeks afterwards. Mr. Clay remained some months in Europe, returning in September, 1815, to learn that he had been unanimously reelected to Congress some weeks before. When Congress assembled, in December, he was rechosen speaker by a nearly unanimous vote.

The labors of that Congress were necessarily arduous. The war had disordered the finances, and deranged the industry of the country, leaving every thing in chaos. Congress proceeded to readjust the tariff with avowed regard to the encouragement of home manufactures, and to charter a new national bank, both with the hearty concurrence of Mr. Clay, who frankly confessed that the experience of the war had convinced him that such an institution was desirable, and even necessary, and to this opinion he evermore adhered. The same Congress passed a bill increasing the compensation of members of both houses, which excited great dissatisfaction, and defeated most of those who stood for reelection. Mr. Clay was, therefore, warmly opposed, for the first time in several years, but defeated his opponent, (John Pope,) after a severe and animated struggle.

Mr. Clay remained a member of the house, and its speaker, up to the 4th of March, 1825, save a short period when pecuniary embarrassments, caused by the failure of a friend for whom he was a heavy

so divided between them, that any choice by the people seemed utterly hopeless.

The democratic national convention assembled at Baltimore on the 1st of June, and after a vehement struggle between the partisans of General Cass, of

indorser, constrained him to resign, and devote his attention to his private affairs. Returning to the next Congress, he was forthwith chosen speaker, by a large majority, over Mr. P. P. Barbour, of Virginia, who had been elected in his absence. He signalized himself, throughout these ten years, by his earnest and persistent advocacy of protection to home industry, national internal improvement, the recognition of South American and Greek independence, &c. The fierce excitement which overspread the country upon the question of admitting Missouri into the Union as a slave state, with a constitution peculiarly offensive to the free north, was finally calmed by his exertions, the constitution modified, and the state admitted, though by a very small majority. He succeeded in carrying through the house a more protective tariff bill in 1820, but it was lost in the Senate; and in 1824 a similar bill was piloted by him through the house, (one hundred and seven to one hundred and two,) which was concurred in by the Senate, and thus became a law.

In 1824 five candidates for president were presented — Messrs. John Quincy Adams, Andrew Jackson, William H. Crawford, Henry Clay, and John C. Calhoun. The latter soon withdrew, and became a candidate for vice president, throwing his own strength into the Jackson scale. Mr. Crawford had been nominated by a meagre congressional caucus, and was thereupon commended as the regular republican candidate. The anti-caucus votes in the northern states were mainly concentrated on Mr. Adams; in the south and west on General Jackson. Mr. Clay was much the youngest of the candidates remaining in nomination, and received only the votes of Ohio, Kentucky, Missouri, and four from New York — thirty-seven in all. Six more would have carried him into the house, over which he presided, and where his popularity was unbounded. As it was, the constitutional candidates were Messrs. Adams, Jackson, and Crawford — the latter prostrate by a disease which soon after closed his mortal career. Mr. Clay and his friends were obliged to choose between Messrs. Adams and Jackson, neither of them personally acceptable to Mr. Clay, and the latter at bitter feud with him on account of Mr. Clay's unsparing denunciation of his course in invading Florida and capturing its chief posts without authority. Mr. Clay decided in favor of Mr. Adams, as he had months before informed Lafayette that he should do if compelled to choose between him and Jackson: so Lafayette testified in a letter to Mr. Clay written in 1832.

Mr. Clay's choice, and the consequent election of Adams, were deeply resented by the partisans of the disappointed candidates; and the acceptance of the office of secretary of state by the speaker (who bade adieu to the house on the 3d of March, 1825, never to return as a member) was made the pretext for a concerted outcry of "bargain and corruption" against him and the new president. The supporters of Jackson, Crawford, and Calhoun coalesced to form an opposition, which embarrassed Mr. Adams's administration throughout, controlled the action of Congress, and elected General Jackson president in 1828 by a large majority. Mr. Calhoun was rechosen vice president, and Mr. Clay retired to private life.

Mr. Clay was returned to the United States Senate in December, 1831, after an absence of more than twenty years, having been elected over Colonel Richard M. Johnson. He there advocated internal improvement, the recharter of the United States Bank, and a distribu-

Michigan, Mr. Buchanan, of Pennsylvania, Judge Douglass, of Illinois, Governor Marcy, of New York, and some other less prominent names, finally united in nominating General Franklin Pierce, of New Hampshire, for president, and Hon. William Rufus

King, of Alabama, for vice president. The first nomination was a surprise to the country and the world, General Pierce having never been named before for such a distinction, or made in any way so conspicuous as to be thought of in connection with it.

slavery, and improve the market for slaves; while New York and other states hostile to that policy were lost to Mr. Clay by the anti-Texas votes thrown away on James G. Birney. Mr. Polk received one hundred and seventy electoral votes, Mr. Clay one hundred and five. New York alone would have changed the result; and her electors were secured to Polk by a plurality of five thousand one hundred and six, while more than fifteen thousand votes were squandered on the Birney abolition ticket.

The annexation of Texas was the first result of Mr. Polk's election, accomplished even before he had nominally assumed the reins of government. The marching of troops down to the Rio Grande, in the heart of a Mexican province, and the consequent breaking out of hostilities, speedily and naturally followed. The protective tariff of 1842, under which the country had steadily and rapidly increased in industry, prosperity, and wealth, was overthrown, and the present *ad valorem* revenue tariff enacted in its stead — a tariff under which we are this day running in debt to Europe at least fifty millions per annum for iron and fabrics which we should have made for ourselves had the tariff of 1842 been left undisturbed. For whatever of disaster and demoralization has resulted or shall result from the career of aggression and lust of dominion on which the United States have now entered, the initial cause may be found in the defeat of Henry Clay in the presidential contest of 1844.

Mr. Clay remained in the Senate, where he proposed and carried the tariff compromise of 1834, and put forth his utmost exertions in opposition to the removal of the deposits, specie circular, and other arbitrary measures of General Jackson, but without success. In 1836 he was rechosen to the Senate, but was not a candidate for president. General Harrison received most of the anti-Jackson votes, but Mr. Webster took that of Massachusetts, and those of Georgia and Tennessee were thrown for Judge White, of Tennessee. Mr. Van Buren was elected by a majority over all; but the commercial disasters which speedily ensued rendered his administration a stormy one, with a dubious ascendancy in Congress. Mr. Clay's name, in connection with the presidency, was presented to the whig national convention which met at Harrisburg in December, 1839, and a very large plurality of the delegates favored his nomination; but a majority finally united on General Harrison, who was elected over Mr. Van Buren in November ensuing by a very great majority.

Mr. Clay still kept his seat in the Senate, and was its master spirit during the greater part of the memorable twenty-seventh Congress. The two successive bills chartering a new national bank, the bankrupt law, land distribution, &c., received his ardent support; and he was among the first to denounce the duplicity and treachery of the calamity whom the death of General Harrison had elevated to the presidency. On the 31st of March, 1842, believing that there was no further need of his remaining in the public service, he took a formal and affecting farewell of the Senate, and returned to his home, in Kentucky. He spent the two following winters in the south, mainly at New Orleans, returning in the spring of 1844 to the Southern Atlantic States, and writing from Raleigh, North Carolina, a letter in which he took ground strongly against the annexation of Texas — a measure then pending before the Senate on a treaty negotiated under the auspices of President Tyler and his foreign secretary, John C. Calhoun. Mr. Clay was unanimously nominated for president by the whig national convention which assembled at Baltimore in May, and the nomination was received with enthusiasm by the whigs of the Union. It was not destined, however, to be successful. The democratic national convention met at the same place four weeks later, and proceeded to throw over Mr. Van Buren, whom a majority of its members were pledged to support, and finally, after a stormy sitting or two, nominated James K. Polk, of Tennessee, formerly speaker of the house, a man of very moderate ability, but a fair stump speaker, of good personal character, and an unhesitating champion of annexation and every kindred measure. Mr. Van Buren had sealed his own doom by taking ground against annexation. Mr. Polk carried most of the Southern States, on the assumption that the acquisition of Texas would strengthen the power of

slavery, and improve the market for slaves; while New York and other states hostile to that policy were lost to Mr. Clay by the anti-Texas votes thrown away on James G. Birney. Mr. Polk received one hundred and seventy electoral votes, Mr. Clay one hundred and five. New York alone would have changed the result; and her electors were secured to Polk by a plurality of five thousand one hundred and six, while more than fifteen thousand votes were squandered on the Birney abolition ticket.

The annexation of Texas was the first result of Mr. Polk's election, accomplished even before he had nominally assumed the reins of government. The marching of troops down to the Rio Grande, in the heart of a Mexican province, and the consequent breaking out of hostilities, speedily and naturally followed. The protective tariff of 1842, under which the country had steadily and rapidly increased in industry, prosperity, and wealth, was overthrown, and the present *ad valorem* revenue tariff enacted in its stead — a tariff under which we are this day running in debt to Europe at least fifty millions per annum for iron and fabrics which we should have made for ourselves had the tariff of 1842 been left undisturbed. For whatever of disaster and demoralization has resulted or shall result from the career of aggression and lust of dominion on which the United States have now entered, the initial cause may be found in the defeat of Henry Clay in the presidential contest of 1844.

Mr. Clay deprecated and condemned the war on Mexico throughout, and on the 13th of November, 1847, made a speech at Lexington, urging the abandonment of all projects of conquest, and the withdrawal of our armies from Mexico, as an earnest of our desire for peace. His recommendations were warmly responded to by the great mass of the whigs, and doubtless did much to hasten the negotiation of a treaty the following autumn. Meantime, his own most promising and beloved son, Henry Clay, Jr., had been killed at the battle of Buena Vista, as Lieutenant Colonel of the Kentucky regiment, February 22, 1847.

Four months thereafter, Mr. Clay, who had always been a believer in the Christian religion, and had often borne impressive testimony to its divine origin, united with the Protestant Episcopal church in Lexington, and received the rite of baptism.

During the winter and spring of 1848, Mr. Clay's name was again presented in connection with the whig nomination for the presidency, and was very warmly hailed by the great mass of the people; but the leading politicians, believing that the prejudice against him in the minds of a majority of the voters, however unjust, was rooted and invincible, were generally in favor of nominating General Taylor, who was accordingly selected as the whig standard bearer by the national convention which met at Philadelphia. General Taylor received one hundred and eleven votes on the first ballot to ninety-seven for Mr. Clay, and some eighty for General Scott, Mr. Webster, and others. General Taylor gained on every ballot till the fourth, when he was nominated by a decisive majority. Mr. Clay, considering that General Taylor had given no clear assurance of his devotion to whig principles, and had never consented to abide the choice of the convention, could not feel justified in rendering him an active support, but he peremptorily refused to allow his own name to be used in opposition.

Kentucky revised her state constitution in 1849, and Mr. Clay

The whig national convention was also held at Baltimore, on the 17th of the same month, having three prominent and highly distinguished candidates, President Fillmore, of New York, Daniel Webster, of Massachusetts, and General Winfield Scott, of

made another effort to ingraft on it a gradual emancipation of slaves, but was again baffled.

Mr. Clay was reelected to the Senate in December, 1848, by the legislature of Kentucky, by a vote nearly or quite unanimous. He did not take his seat at the March session, called to act on General Taylor's appointments, but the opening of the regular session found him, despite his advanced age, erect, buoyant, and active, to an extent which few young men could exceed. His labors, through that long and memorable session, were unsurpassed, and his attempts to effect a compromise or adjustment of the perilous questions respecting slavery in the territories, the admission of California, &c., though baffled at the outset, were ultimately crowned with success. On the merits of these measures, taken as a whole, we here express no opinion; but that Mr. Clay believed in the existence of an imperative necessity for some such adjustment, and urged it under the impulse of an ardent patriotism, we cannot consider doubtful.

Mr. Clay served through the following session, (closing the thirty-first Congress,) urging upon Congress the duty of further protection to home industry, and making a gallant but unsuccessful struggle for the passage of a river and harbor improvement bill. He was defeated in this, not by votes, but by parliamentary strategy — by talking against time, until the session had been talked to death. He went home to Kentucky in the spring, remained at Ashland, in feeble health, through the warm season, and in December returned to Washington to die. His health was so broken and evidently failing that he scarcely took his seat in the Senate at all, and was soon obliged to keep his room, and ultimately his bed. Finally, after a protracted struggle between the native vigor of his constitution and the relentless progress of disease, his mortal career was closed by death a little before noon on the 28th of June, 1852.

* That President Fillmore and his secretary, Webster, should be candidates at the same time, while maintaining relations of cordial friendship and political confidence, may appear strange and inconsistent. It was owing, however, to the distracted state of the party, and neither of them felt at liberty to withdraw in favor of the other, lest a further distraction should ensue.

The following letter will explain Mr. Fillmore's position and views. It was written prior to the assembling of the convention, and placed in the hands of one of his friends, a delegate to the convention, to be read before that body whenever it should appear that its presentation could further the interests of the whig party. The letter was not read, because the opportunity contemplated did not, in the judgment of those who held it in custody, arise. But it stands an equally noble testimony now, for its patriotic author. Its sentiments are worthy of the man who has served his country with an administration only second to Washington's, — if second to that, — and they are all, in manliness, that we could desire from any man.

"WASHINGTON, June 10, 1852.

"To the President of the National Whig Convention.

"SIR: This communication will be presented to you, and through you to the delegated wisdom of the whig party over which you preside, by the Hon. George R. Babcock, who represents in your body the congressional district in which I reside.

"I trust that I shall be pardoned by the convention for adverting

New Jersey. The canvass was earnest and prolonged, and resulted in the nomination of General Scott for the presidency, and William A. Graham, of North Carolina, for vice president.*

The free soil democrats, who assembled in conven-

briefly to the course which I have pursued and the causes which have induced it, as a means of explaining why I have selected this time and mode of making this communication.

"All must recollect that when I was so suddenly and unexpectedly called to the exalted station which I now occupy, by the death of my lamented and illustrious predecessor, there was a crisis in our public affairs full of difficulty and danger. The country was agitated by political and sectional passions and dissensions, growing out of the slavery and territorial questions then pending, and for which Congress had as yet been able to agree upon no measure of compromise and adjustment.

"The Union itself was threatened with dissolution, and patriots and statesmen looked with apprehension to the future. In that feeling I participated most profoundly. The difficulties and dangers which surrounded us were calmly but anxiously surveyed. I was oppressed by a sense of the great responsibilities that rested upon me, and sincerely distrusted my ability to sustain them in a manner satisfactory and useful to the country. But I was bound to make the attempt; and to do it with any hope of success, I felt it necessary to discard every personal consideration, and devote myself to the difficult task before me with entire singleness of heart.

"To prepare and strengthen myself for this task, I endeavored to lay aside, as far as practicable, every merely selfish consideration — to banish from my mind every local or sectional prejudice — and to remember only that I was an American citizen, and the magistrate of the American republic, bound to regard every portion and section of it with equal justice and impartiality. That I might do this the more effectually, I resolved within myself not to seek a reelection.

"Thus prepared, I entered upon the discharge of my official duties, with a determination to do every thing in my power to aid in the settlement of those dangerous controversies. Fortunately for our favored country, a majority in both houses of Congress, rising above mere party and personal considerations, nobly and patriotically devoted themselves to the great work of pacification. The constitutional advisers whom I had called to my aid, and to whose fidelity, talents, and patriotism the country is chiefly indebted for any benefit it may have received from my administration, with a unanimity and zeal worthy of every commendation, cordially gave their countenance and influence to the legislative department, in perfecting and adopting those healing measures of compromise, to which upon their passage I felt bound, by every consideration of public duty, to give my official approval. These laws being enacted, my constitutional duty was equally plain, to 'take care that they were faithfully executed.' But this I found the most painful of all my official duties. Nevertheless, I resolved to perform it, regardless of all consequences to myself; and in doing so, I determined to know no north and no south — and no friends but those who sustained the constitution and laws — and no enemies but those who opposed them.

"The gratifying result of this policy is before you and the country. The angry strife which for a time threatened to array state against state, and brother against brother, and deluge our happy land with fraternal blood, and desolate it with fire and sword, has fortunately passed away. The surging billows of sectional agitation are calmed, and the public mind is fast settling down to its accustomed

tion at Pittsburg in August, had also several candidates, but, with little division of sentiment, nominated John P. Hale, of New Hampshire, for president, and George W. Julian, of Indiana, for vice president.

The campaign was an earnest and active one, and resulted in the success of the democratic candidates by very large majorities.

The death of Daniel Webster, which occurred at Marshfield, October 24, 1852, was the great absorbing event of this period. Endeared as he was to his family and friends, the loss to them was far less than to the public. It was, in the broadest sense of the phrase, a national calamity.

His health had failed during the summer from his severe public labors, and from the insidious progress

channels, and will soon renew its wonted devotion to the constitution and the Union.

"Availing myself of this happy change, I had determined, when the present Congress met, to announce to the public, in my annual message, my previous resolution not to suffer my name to come before the national convention for a nomination. I accordingly prepared a paragraph to that effect, but was finally persuaded to strike it out, lest it might have an unfavorable influence upon the then pending election in Virginia. After that had passed, I concluded to withdraw my name by a published address to the people, and prepared one accordingly; but this coming to the knowledge of some of my friends, they represented to me that my withdrawal at that time would not only endanger the perpetuity of those measures which I deemed so essential to the peace and welfare of the country, but would sacrifice many friends who had stood by my administration in the dark and perilous crisis through which it had so recently passed. The first was an appeal to my patriotism, and the second to my gratitude. I could resist neither, and therefore yielded to their request, and consented that my name should remain where it was, until time should show, as I presumed it would, that its further use could neither benefit them nor the cause which we all had so much at heart. It was, however, distinctly understood that I could not consent to use any efforts to procure a nomination, but if one were freely and voluntarily tendered I should not be at liberty to decline it.

"The embarrassing question now presents itself, Who is to determine when the use of my name can no longer benefit my friends or our common cause? To assume to decide this myself, in advance of the convention, without consultation with those who have so generously sustained me, might be deemed by them unjust. To consult them is utterly impracticable, and to suffer my name to go into a contest for the nomination is contrary to my original intention, and utterly repugnant to my feelings. I have, therefore, without consultation with any one, felt justified in assuming the responsibility of authorizing and requesting Mr. Babcock, either before or after any vote may be taken in the convention, and whenever he shall be satisfied that I have discharged my duty to my friends and the country, to present this letter, and withdraw my name from the consideration of the convention.

"I trust that my friends will appreciate the necessity which compels me to act without consulting them. I would cheerfully make any personal sacrifice for their sakes or for the good of my country, but I have nothing to ask for myself. I yielded with sincere reluc-

of an obscure disease in the liver, of long standing, but now accelerated by the shock received by the overturning of his carriage a few months previous.

His death was that of a philosopher and a Christian, or more appropriately that of a Christian philosopher, for while his transcendent intellect remained clear and strong to the last moment, mastering and controlling every subject it had to do with, his thoughts and regards were almost wholly centred upon the great themes of religion, and his own future life. The following, which he dictated to a friend about a fortnight before his death, with a request that it should be inscribed on his monument, may be taken as a summary of his dying thoughts.

tance to their entreaties to suffer my name to remain before the public as a possible candidate. I knew that it placed me in a false position. I foresaw that it would subject me to the base imputation of seeking a nomination, and of using the patronage of the government to obtain it, and then to the mortifying taunts from the same malignant source of having been defeated. But, conscious of my own integrity, I cheerfully consented to encounter all this, rather than that my friends should feel that I was indifferent, either to them or the cause; and I am most happy to avail myself of this occasion to return my sincere thanks, and to express the grateful emotions of my heart, to those friends of the country who have so generously and so nobly stood by the constitution and the Union, during the perilous scenes through which we have just passed. My sincere prayer is, that their country may cherish and reward them according to their merits.

"I hope and trust that my withdrawal may enable the convention to unite harmoniously upon some more deserving candidate; one who, if elected, may be more successful in winning and retaining the confidence of the party to which he is attached than I have been. Divided as we were, upon my accession to the presidency, on questions of vital importance, it was impossible for me to pursue a course which would satisfy all. I have not attempted it. I have sought more anxiously to do what was right than what would please; and I shall feel no disappointment at finding that my conduct has, in the estimation of a majority of the convention, rendered me an unavailable candidate. But it should at all times be a subject of felicitation to any man that he has been enabled to serve his country by sacrificing himself. This is a consequence which neither he nor his friends have any cause to regret; and I hope mine will view it in that light.

"For myself, permit me to add, I have no further aspirations. I feel that I have enjoyed much more of public honors than I deserved, and I shall soon retire from this exalted station with infinitely more satisfaction than I entered upon it, and with a heart grateful for the confidence which my countrymen have reposed in me — grateful for the indulgence with which they have received my humble efforts to serve them, and anxious only that they may be better served by my successor, and that our glorious Union and free institutions may be perpetual.

"I have the honor to be, sir,

"Your fellow-citizen and ob't. serv't,

"MILLARD FILLMORE."

“‘LORD, I BELIEVE; HELP THOU MINE UNBELIEF.’—Philosophical argument, especially that drawn from the vastness of the universe, in comparison with the apparent insignificance of this globe, has sometimes shaken my reason for the faith which is in me; but my heart has always assured and reassured me, that the gospel of Jesus Christ must be a divine reality. The Sermon on the Mount cannot be a merely human production. This belief enters into the depth of my conscience. The whole history of man proves it. — *Daniel Webster.*”

Mr. Everett has remarked, that “the bright developments of Mr. Webster’s public character, in a long

* DANIEL WEBSTER was born in Salisbury, New Hampshire, on the 18th of January, 1782. His great-great grandfather, Thomas Webster, migrated from Norfolk, England, and settled in Hampton, New Hampshire, in 1656, nearly two centuries ago. Ebenezer Webster, father of Daniel, born in 1739, was a pioneer in Salisbury, served with credit in the Rangers during the old French war, and in our revolutionary struggle fought at White Plains, and led a company gallantly in the battle of Bennington. After our independence was secured, he was chosen representative, senator, and finally a judge of common pleas, which office he held from 1791 to 1805. He died in 1806, aged sixty-seven.

Daniel Webster was cradled in poverty and early inured to labor, walking two miles and a half to common school in winter, and working on his father’s farm in summer. When fourteen, he was sent to the famous “Phillips Academy,” in Exeter, New Hampshire, and the next year to Dartmouth College, where he graduated with honor, taught an academy at Fryeburg, Maine, one year, and then betook himself to the study of law, first in Salisbury, and then in Boston, in the office of Christopher Gore, afterwards governor of Massachusetts; was admitted to the bar in 1805; practised a short time in Boscawen, New Hampshire; removing thence, in 1807, to Portsmouth, was married next year to Grace Fletcher, of Hopkinton, New Hampshire, by whom he had four children, of whom but one (Fletcher) survives him. The mother died suddenly, while on her way with her husband to Washington, late in 1827.

Mr. Webster remained nine years in Portsmouth, and there acquired an extensive practice and an enviable reputation. In 1812 he was for the first time a candidate for office, being nominated for Congress by the federalists of New Hampshire, and elected after a most vehement contest. (The state then chose its members by general ticket.) Though never before a member of a legislative body, he rose at once to a high rank among parliamentary debaters. He opposed the invasion of Canada, and all schemes of aggression and conquest, ardently advocated the enlargement of our navy, and the prosecution of the war on the ocean, but condemned the policy which had involved the country in hostilities, and urged an early peace. His house, with all its contents, was destroyed by fire during his absence at Washington, in January, 1814. He removed to Boston in August, 1816. His fame as a jurist was greatly increased by his defence of Dartmouth College against the assumptions of the legislature of New Hampshire to alter and modify its charter at pleasure—a claim which was sustained by the courts of New Hampshire, but overruled by the United States Supreme Court, on Mr. Webster’s argument, in March, 1818.

life of service, are wrought into the annals of the country. “*Whoever shall write the history of the United States for the last forty years will write the life of Daniel Webster, and whoever writes the life of Daniel Webster, as it ought to be written, will write the history of the Union from the time he took a leading part in its concerns.*” This is not mere eulogy, or the partial judgment of a friend. It is the sentiment of the world, and has been fully illustrated in the present history by the copious allusions we have been compelled to make to his exalted public services. A brief outline of a mind so gifted, and a life so useful, is necessary to complete our endeavor to do justice to this portion of the national history.*

He devoted himself assiduously to the law in Boston, refusing invitations to embark in politics, but serving as an elector of president, and then as member of the state constitutional convention, until, in 1822, he was persuaded to stand for Congress, and elected by a large majority. He took his seat in December, 1823, and immediately signalized himself by a proposition and speech looking to the recognition of Greece as an independent nation. He made, at the same session, the ablest free trade argument ever presented to Congress. It was overborne, however, by the speech of Mr. Clay in favor of protection, and the tariff bill of 1824 became a law. Mr. Webster was reelected without opposition in 1824, and would have been returned in 1826, but he was that year elected to the United States Senate, where he took his seat in January, 1828.

His speeches against Hayne, in 1829, on the right of a state to nullify an act of Congress, were the greatest intellectual achievements of his life. They may be said to have practically settled the question, so that, though nullification has since been threatened, no danger remains that it will ever be in earnest attempted.

Mr. Webster remained in the Senate till March 4, 1841, and was a leading participator in the discussions growing out of the attempted recharter of the United States Bank, tariff compromise of 1834, the removal of the deposits, the specie circular, the expunging resolution, &c. From an original free trader, he became a warm and impressive advocate of protection to home industry, regarding the policy of the country as settled by the acts of 1824 and 1828, and the interests thereby called into existence justly entitled to legislative support. He therefore opposed the tariff compromise of 1834, which nevertheless prevailed.

Upon General Harrison’s election to the presidency, Mr. Webster was called to the post of secretary of state, which he continued to hold after General Harrison’s death and Mr. Tyler’s accession, until late in 1842. During this time he negotiated with Lord Ashburton the treaty of Washington, by which the north-eastern boundary of Maine was settled. After retiring from the cabinet, he remained in private life till 1845, when he was again chosen to the Senate, on the retirement of Mr. Choate. He spoke, in 1846, in favor of the Oregon boundary treaty; in 1848, against the claim of the south to extend slavery into the new territories; and on the 7th of March, 1850, in favor of the adjustment of the territorial and slavery dispute by compromise, wherein the Wilmot proviso should be surrendered by the north as needless and irritating. He afterwards signalized himself by a zealous advocacy of the fugitive slave law.

Mr. Webster was first proposed for president in 1836, when Massachusetts gave him her electoral vote, but was seconded by no other

Mr. Webster was a great writer, an eminent lawyer, and a preëminent statesman. The talents requisite for eminence in any one of these departments do not necessarily fit a man for eminence, or even distinction, in another. They are rarely associated in one person. Mr. Webster was distinguished and peerless in all, and as such stands almost without a parallel in history.

From the commencement of his career, the two great functions of lawyer and statesman were constantly and most ably sustained together. An eminent leader in public affairs, and expected to be always foremost in every conflict, he was at the same time the acknowledged head of the American bar. A laborious and most successful devotee to his chosen profession, a safe counsellor, a powerful advocate, a manly but terrible opponent, a profound thinker, a thorough and diligent student of every case he undertook, rapid in his decisions, yet cautious in examining every point of evidence, comprehensive and far reaching in his views, bold and confident of a position once taken, with an open, manly, masterly address, and a logical force such as only comes from ascertained truth and absolute conviction,—he was seldom successfully opposed, and never vanquished. His lucid statement of his case, in which he was unrivalled, was often in itself an argument and a triumph. In his addresses to the jury he was frank, manly, and direct, never appealing to passion or prejudice, but always, and with convincing power, to reason and conscience. By the simple majesty of his manner, and the honest directness and force of his own inward convictions, conveyed in terms of studied clearness, he wrought an almost instant persuasion in his favor, and easily carried with him to the end the convinced and captivated judgment of his hearers. He could not argue a bad cause. "His mental vision was too penetrating and comprehensive, his logic too uncompromising, his perception of

truth too clear, and his love of it too instinctive, to fit him as the champion of error." Where his convictions led the way, he was the mightiest of the mighty, and led all judgments captive. His arguments were often no less instructive to the court than convincing to the jury, and much of the prevailing law of the land is due to him as its ablest and best expounder. He touched no subject which he did not fully elucidate. To this end he always said precisely enough, and never a word too much. His ideas were so luminous, and his expression of them so full and clear, that they never needed to be repeated or reënfined. He never dallied with unimportant facts, or points of inferior magnitude, nor attempted to divert attention from the real merits of his case by irrelevant side issues. His reading was extensive, almost universal, though some of the "scholars" affect to underrate him in this respect. His learning was vast, accurate, and perfectly at command. His judgment was clear and controlling. His taste was refined, exalted, severe. His imagination was rich, almost to the height of genius, but ever subordinate to truth and reason. His illustrations were always and studiously luminous, and never merely ornamental. Of mere rhetorical flourishes he was totally ignorant. They would have encumbered the majestic march of his argument, as the drapery of the court or the saloon would encumber the progress of an army.

Mr. Webster's great field, even in the department of law, was that in which it verges towards and rests upon fundamental and constitutional law. His profound mind could rest only in first principles. He penetrated to the heart of the science, and was master of its deepest and most abstruse mysteries. "It was a fortunate—may we not say a providential?—circumstance, that the growth of the country began to devolve upon the Supreme Court of the United States the consideration of this class of questions just at the time when Mr. Webster, in his ripe manhood

state. In 1848 his name was submitted to the whig national convention at Philadelphia, but his vote never reached thirty. In 1852 his name was again submitted to the whig national convention at Baltimore; but his highest vote on any ballot was thirty-three. It is understood that one hundred and six southern votes were ready to be cast for him whenever they would secure his nomination; but the opportunity was never presented.

In 1850, on the accession of Mr. Fillmore to the presidency, Mr. Webster was called again to the first place in the cabinet, which he continued to hold till his death. He left Washington in ill health during the summer of 1852, and retired to his country residence at Marshfield, Massachusetts, and soon after met with a severe injury by being thrown from a wagon. His health continued to decline

until, on the 21st of October, his illness was felt to be dangerous, from which time he rapidly sank until his death, which occurred on Sunday morning, October 24, at a little before three o'clock. His last hours were irradiated by penitence, prayer, and the consolations of Christian faith and hope.

Thus lived and died the greatest man, intellectually, that America has yet produced—her most chaste and cogent orator, and her most accomplished and thoroughly qualified statesman. His Plymouth Rock and Bunker Hill orations, his replies to Hayne, and letter to Hulsemann, will live while our language is spoken, and the American people will do honor to his genius, his understanding, and his patriotism.

was able to give them the benefit of his extraordinary powers of argument and analysis. Previous to the Dartmouth College case, in 1818, not many important constitutional questions had come before the court; and since that time, the great lawyer, who then broke upon it with so astonishing a blaze of learning and logic, has exerted a commanding influence in shaping that system of constitutional law — almost a supplementary constitution — which has contributed so much to our happiness and prosperity.

"In the discussion of constitutional questions, the mind of this great man found a most congenial employment. Here, books, cases, and precedents are of comparatively little value. We must ascend to first principles, and be guided by the light of pure reason. Geometry itself hardly leads the mind into a region of more abstract and essential truth. In these calm heights of speculation and analysis, the genius of Mr. Webster moved with natural and majestic sweep.

"Mr. Webster's argument in the Dartmouth College case stands out among his other arguments, as his speech in reply to Hayne among his other speeches. No better argument has been spoken in the English tongue in the memory of any living man." Judge Story thus described the effect he then produced upon the court: "For the first hour we listened to him with perfect astonishment, for the second hour with perfect delight, and for the third hour with perfect conviction." It is not too much to say that he entered the court on that day a comparatively unknown name, and left it with no rival but Pinckney.

Of the speech in reply to Mr. Hayne, Judge Sprague, who was in the Senate at the time, has said, "A great vital question of constitutional law was by that speech settled as completely and irrevocably as it could have been by the greatest minds in the highest judicial tribunals.

"Mr. Webster evidently felt the magnitude of the occasion, and a consciousness that he was more than equal to it. On no other occasion, though I have heard him a hundred times, have I seen him so thoroughly aroused. Yet when he commenced, and throughout the whole, he was perfectly self-possessed and self-controlled. Never was his bearing more lofty, his person more majestic, his manner more appropriate and impressive.

"The value of that speech cannot be measured, without a just appreciation of our constitution and

of republican government. Nullification had become formidable. It had been practically adopted in high places, and was sustained by several states and some of the ablest minds of the south, and was daily gaining strength as the offspring of the resolutions of '98. By this single effort that deadly heresy was prostrated and crushed forever.

"No speech, ancient or modern, has, within the same time, convinced so many minds, and produced so great and salutary results. It was not addressed merely to the enlightened and reflecting audience around him, but to this great reading nation, and to the civilized world. If the doctrines of General Hayne had prevailed, this Union would have been shattered into fragments; but Mr. Webster and his doctrines have triumphed, and our Union remains in all its magnificence and beneficence."

Mr. Webster's public career commenced with his election to Congress, from the city of Boston, in 1822. From that time till his death, with an interval of only two years, he was constantly in the public service, as representative, senator, or secretary of state.

Mr. Webster was a statesman in the largest and noblest sense of the word. He was no politician. He sought not his own, but his country's good. He had no narrow, sectional, or partisan views. "He knew no north, no south, no east, no west. His great mind and patriotic heart embraced the whole land, with all its interests and all its claims. No public man ever earned more fully the title of a national, an American statesman."

As a writer, but especially as a public speaker, Mr. Webster had no equal at home or abroad. He has been compared to Burke; but he is less elaborate, and far more massive, majestic, and enduring, yet never deficient in graceful flow or appropriate ornament. His political speeches are marked by a peculiar sagacity and a depth of practical wisdom which belong only and always to master minds. Yet with all his mighty reach of thought, his almost prophetic forecast, his comprehensive view of all the remoter bearings of his theme, and his instinctive perception of the inevitable conclusion, he easily and powerfully carried the common mind along with him; for his logic was as clear as it was compact, as simple and natural as it was vigorous and conclusive. He became so thoroughly master of his subject, that he easily and necessarily mastered his audience. "His occasional discourses and his diplomatic writings

would alone make a great reputation." The latter are models of unqualified excellence, cautious yet firm, bold, decided, and full of energy, yet perfectly courteous, frank, and fair. Like the gallant knight in the tournament, he scorns to ask, and manfully refuses to yield, any thing that is not clearly and unquestionably right. In fact he seems to demand nothing, but to make the right so clear that it is yielded of necessity and without a demand. It is doubted if there are any "modern compositions which, in form and substance, embody so much of what we understand by the epithet Roman. Such, indeed, we may imagine the state papers of the Roman Senate to have been, in the best days of the republic."

The more than royal mind of this majestic man was fitly tenanted in a frame of massive and commanding proportions. He bore the unmistakable impress of greatness in his personal appearance. His figure was large, but admirably symmetrical. His head was capacious and finely developed, with a noble amplitude of brow, which betokened the largest possession of the reflective and rational faculties. The deep overhanging eyebrow gave to the dark, penetrating, eagle eye beneath, a commanding intensity of power, which none who approached him failed to recognize and acknowledge. Take him all in all, "he was probably the grandest looking man of his time."

In his private relations Mr. Webster commanded the confidence and respect and won the affection of all who knew him. He was a kind husband, an indulgent father, a dutiful, exemplary son, a generous friend, and an excellent neighbor. He had many friends, but no enemies. Even among his strongest political opponents, he was held in the highest esteem and regard — a sentiment which he amply repaid by cherishing no personal political animosities himself. His great southern antagonist, Mr. Calhoun, with whom he was brought into most direct collision, was always a personal friend, and remarked, towards the close of his life, that, of all the leading men of the day, "there was not one whose political course had been more strongly marked by a strict regard to truth and honor than Mr. Webster's." It was in this spirit of true greatness that Mr. Webster gave his last directions to Mr. Everett respecting a new edition of his works, to be issued under the editorial supervision of that gentleman. "My friend," said he, "I wish to perpetuate no feuds. I have lived a life of strenuous political warfare. I have sometimes, though rarely,

and that in self-defence, been led to speak of others with severity. I beg you, where you can do it without wholly changing the character of the speech, and thus doing essential injustice to me, to obliterate every trace of personality of this kind. I should prefer not to leave a word that would give unnecessary pain to any honest man, however opposed to me." In the same magnanimous spirit he lent some of his best and most gigantic efforts to support what he deemed a correct position of an administration of which he was the ablest and most dreaded opposer. Of this character was his mighty conflict with Hayne, sustaining the views and determinations of General Jackson, and enabling his administration easily and effectually to crush the outbreaking spirit of nullification. In the same spirit he uttered his great speech of the 7th of March, defending and advocating the compromise measures of 1850, and thereby sacrificing and knowingly sacrificing, a large portion of well-earned popularity at the north.

Mr. Webster's greatness was so unmatched and unapproachable, and so nobly free from even the semblance of arrogance or presumption, that it was always and every where admitted, not only without jealousy, but with cordial and profound delight. Mr. Fillmore always took a generous pleasure in speaking of him, on all appropriate occasions, as the right arm of his administration, his best and perfect reliance in all the complicated difficulties of the high office he was called to fill.

Mr. Webster was an ardent lover of nature, the open volume of whose works he studied with great delight. An enthusiastic sportsman, an amateur agriculturist, a passionate admirer of animal life and beauty, as well as of natural scenery, he spent in the country all the time he could spare from the arduous and engrossing cares of public life, and enjoyed in retirement infinitely more than office, station, or power was capable of conferring.

At the opening of the thirty-second Congress, President Fillmore reiterated such of his former recommendations as had not been acted upon, urging especially a modification of the tariff, the establishment of an agricultural bureau, and appropriations for the improvement of rivers and harbors. On the latter subject he succeeded so far in overcoming the hostility of its opponents as to procure the passage of a bill for the construction of a canal around the Falls of St. Mary. This work has been prosecuted with great success, and is now in such a state of progress towards

completion, that it will be opened to navigation early in the coming spring, (1855.)*

The frequent attempts which had been made by various parties to gain forcible possession of the Island of Cuba, and revolutionize its government, and the manifest inability of Spain, alone and unassisted, to defend the coveted colony against any thing like a serious invasion, induced the governments of Great Britain and France, early in 1852, to propose to that of the United States to become a party with them to a tripartite convention, in virtue of which the three powers should severally and collectively disclaim, now and for the future, all intention to obtain possession

* The following letter from a correspondent of the Utica Herald will give some idea of this great national work, and illustrate the absurdity of the opposition to internal improvements:—

"The waters of Lake Superior find their way into Lake Huron through St. Mary's River. This river is about sixty-three miles long; at some places spreading out into little lakes, at others, rushing through narrow rapids or winding around beautiful islands. Its entire length is navigable by vessels drawing eight feet of water up to within one mile of Lake Superior. At this point navigation is arrested by the falls—the 'Sault' of the river.

"These falls or rapids are best described by saying that they are somewhat like the rapids of Niagara, but instead of rushing into an abyss, gradually subsiding into the quiet flow of a broad river, so that steamboats may run into the very foot of the rapids, and the frail bark canoe of the adventurous and skilful half-breed dash far up among them in pursuit of the white fish. These rapids are broken up into several different channels, and among them are scattered little islands, such as you see at Niagara, and like them bristling with cedars in all possible attitudes.

"At this point, on the American side, is the little village of the Sault—an old settlement in the State of Michigan, founded by the Jesuits about two centuries ago. It has evidently seen and felt nothing of the great progress which has been building up cities and states. Here is to be seen the native owner of the soil and the half-breed, (a cross of the French and Indian blood) and here, too, are the shops of the full-blooded Yankee, who buys and sells bead and birch bark work and white fish. On the British side of the river is the agency of the Hudson Bay Company—an old-fashioned building, looking as firm and substantial as the company itself.

"Above these rapids, and where Lake Superior empties into the river, may be seen a few steamers, which have been hauled over land from below.

"Hitherto vessels which have come from Buffalo, Cleveland, Detroit, and Chicago, to the Sault, have been compelled to unload there and return, while the goods destined for Lake Superior have been drawn by horse power over a railroad to the upper end of the rapids, and then loaded on the few vessels which have been hauled into the lake. Thus the waters of the largest fresh water lake in the world, whose shores are loaded with mineral wealth, more desirable than the gold of California, have been locked up from the trade of New York, Ohio, Michigan, Illinois, and Wisconsin, by less than a mile of rapids. To remedy this, Congress offered to the State of Michigan 750,000 acres of land, if she would construct a ship canal around these rapids; and the State of Michigan has contracted to give these lands, free of taxation, for five years, to Erastus Corning

of the Island of Cuba, and bind themselves to discountenance all attempts to that effect, on the part of any power or individual whatever. This invitation was promptly declined by the president, for reasons assigned in the correspondence, and accompanied with the strongest assurances that the United States not only "entertained no designs against Cuba," but "would regard its incorporation into the Union, at the present time, as fraught with serious peril."

In his annual message to Congress of this year, the president gave expression to the following views, as those which he supposed to prevail in the public mind: "Were this island comparatively destitute of

and others, in consideration that they build the canal by the 19th of May next.

"This is now completed, or so nearly so that it is not amiss to speak of it as finished. The contract time in which to do the work was so short that it was supposed impossible, and many anticipated an application to the legislature for an extension of time; but the contractors have already done more than they contracted to do, and the opening of navigation next spring will open seventeen hundred miles of new coast to our trade.

"It is an interesting and important question, what state will reap the largest harvest from the opening of this wide mineral world; Michigan or Illinois, Detroit or Chicago, New York or Ohio, Buffalo or Cleveland? Detroit has apparently the advantage, but Chicago intends to win it from her if possible. The work is, in every sense, a national one; national in its objects, and in size and style superior to any of its kind on this continent.

"The locks are supposed to be the largest in the world. You can most readily judge of their size when I tell you that the main building of the steam cotton factory in West Utica could be placed in either of them, and the gates closed upon it without touching it; that the City Hall in the Park in the city of New York, if it is, as I understand, two hundred and sixteen feet in length, might have one hundred and thirty feet added to it, and still be locked through; that the combined length of the two sides and wings of the two locks together is nearly one third of a mile in length, all of solid masonry, twenty-five feet high, ten feet thick at the base, with buttresses six feet in width at every twelve feet, all faced with cut white limestone, equal if not superior to the best of this state. The gates of these locks are each forty feet wide, or twice as wide as an entire lock on the Erie Canal. Each gate is suspended and held in place like a suspension bridge, weighing many tons, and yet moved with ease by the strength of one man.

"The canal is one hundred feet wide at top of water, and one hundred and fifteen feet wide at top of its banks. The depth of water in it is twelve feet. The main body of the canal is excavated through rock, and walled up with such slope walls as the Erie Canal cannot boast of. To protect this work large caisson gates are thrown across the canal above and below locks, supported by strong and handsome masonry.

"There is no instance on record in which land appropriated by the general government has been so honestly applied or made to accomplish so much.

"The work has been accomplished in an unprecedentedly short time, and in the face of difficulties which no ordinary energy or capital could have overcome."

inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect in a prejudicial manner the industrial interests of the south; and it might revive those conflicts of opinion between the different sections of the country which lately shook the Union to its centre, and which have been so happily compromised."

The following correspondence, commenced by the representatives of England and France with Mr. Webster, and concluded after his death by Mr. Everett, on the part of the United States, will present the subject in all its bearings, and explain the precise position in which it now stands.

From the preceding summary it will be seen that the brief and peaceful administration of Mr. Fillmore was by no means barren or uneventful. It was a period of marked progress in some of the great principles of constitutional government. It was an administration of distinguished ability and power, as well as of great purity and moral weight. And Mr. Fillmore descended from the exalted station to which he was so unexpectedly raised, with the entire confidence and respect of all parties. Many even of those who opposed on political grounds his election as vice president, would have cordially supported him had he been a candidate for reelection to the presidency.

"John F. Crampton, Esq., to the Hon. Daniel Webster.

"WASHINGTON, July 8, 1852.

"SIR: In reply to the note which I had the honor of addressing to you on the 23d of April last, communicating to you a project for a convention respecting the Island of Cuba, together with a copy of the instructions with which I have been furnished in regard to this matter by her majesty's principal secretary of state for foreign affairs, you addressed to me a note, dated the 29th of April last, by which you assured me that the subject of the communication I had made would be taken into consideration by the president of the United States, and would receive his serious attention.

"Two months have, however, now elapsed; and it

may therefore now be proper that I should request you to enable me to inform her majesty's government of the views and intentions of the government of the United States in regard to the proposition which I had the honor of addressing to you, and by which the government of the United States is invited to join her majesty's government and the government of France in a declaration, which the two latter governments have agreed to make, of a renunciation on their part of all intention of becoming possessed, under whatever circumstances and by whatever means, of the Island of Cuba. I would also avail myself of this opportunity to recall your attention to the verbal remarks which, together with the minister of France, I submitted to your consideration in support of the proposal, in the conversation which the Count de Sartiges and myself had the honor of holding with you on that subject. These remarks were, I trust, calculated to place the matter in its true point of view, and to remove any misapprehension which might arise, in whatever quarter, in regard to the acts or to the language of any of the three governments in relation to it.

"And first in respect to the right of possession and sovereignty. The Island of Cuba is a province of Spain by the clearest of all titles—discovery and uninterrupted possession. Spain is determined to preserve her dominion over the province; and the Spanish subjects who inhabit it show no disposition to sever their connection with the mother country. This right of possession cannot be disputed, nor has it been disputed; and it gives me satisfaction to remark that the government of the United States has on all occasions professed its respect for the validity of the title. It is not, consequently, the simple acknowledgment of the validity of this title which her majesty's government propose by the declaration which they desire to make simultaneously and in concert with the governments of the United States and of France. The object of her majesty's government is to guard against future contingencies, and to put an end to a state of things far from satisfactory as regards the friendly relations of Spain with other powers respecting Cuba, and of great delicacy as it affects the relations of the principal maritime powers between themselves.

"There is at the present time an evident tendency in the maritime commerce of the world to avail itself of the shorter passages from one ocean to another offered by the different routes existing or in contem-

plation across the isthmus of Central America. The Island of Cuba, of considerable importance in itself, is so placed geographically that the nation which may possess it, if the naval forces of that nation should be considerable, might either protect or obstruct the the commercial routes from one ocean to the other. Now, if the maritime powers are, on the one hand, out of respect to the rights of Spain, and from a sense of her international duty, bound to dismiss all intention of obtaining possession of Cuba, so, on the other hand, are they obliged, out of consideration for the interests of their own subjects or citizens, and the protection of the commerce of other nations, who are all entitled to the use of the great highways of commerce on equal terms, to proclaim and assure, as far as in them lies, the present and future neutrality of the Island of Cuba. Great Britain has omitted no opportunity of manifesting in regard to Cuba her respect for the sovereign rights of Spain, and her disinterestedness in regard to the present and the future political position of that important colony. France has, by acts of the same nature, evinced similar sentiments and views; and the United States themselves have, on several occasions, declared that they could not acquiesce in the cession of Cuba to a European power. This declaration of the United States partakes of the same nature as that which Great Britain and France propose to the American government to embody in an official act — with this difference, however, that the British and French governments, while they declare that they would not acquiesce in the cession of Cuba to any maritime power, also declare that they entirely renounce all views upon that island, both now and hereafter, for themselves. I do not doubt that the government of the United States is actuated by the same motives, in making its declaration, which have impelled the British and French governments to make theirs. The word ‘European,’ however, in juxtaposition with the word ‘power,’ might justify, on the part of the latter two governments, some doubt as to the signification of the declaration of the United States; and it might be thought that the United States, while by their declaration they exclude other nations from profiting by the chances of future possible events, have not debarred themselves by that declaration from availing themselves of such events. Between powers such as Great Britain, the United States, and France, it could never be intended to give to political acts or language any other meaning than that which those acts or that

language would clearly convey. A concurrence by the United States in the joint declaration, the project of which I had the honor of communicating to you on the 23d of April last, would prevent the possibility of the misapprehension to which I have alluded; and the true signification of the declarations made by England, the United States, and France, would thus be exactly defined. It is highly desirable, for the reasons which I have given above, that the question of the future position of Cuba should be definitively determined; and it is desirable that this determination should assure the permanent neutrality of the island, among others, for the following reasons: —

“You are, no doubt, aware that British and French subjects, as well as the French government, are, on different accounts, creditors of Spain for large sums of money. The expense of keeping up an armed force in the Island of Cuba of 25,000 men is heavy, and obstructs the government of Spain in the efforts which they make to fulfil their pecuniary engagements. By putting an end to the state of apprehension which is the cause of those armaments, we should increase to Spain the means of meeting those engagements. This consideration is, no doubt, applicable more particularly to Spain, to England, and to France. But there are others which apply more generally to the commercial interests of all nations, and especially to the commercial interests of the United States, which are greater than those of any other nation in Cuba. One of these considerations is, that, in the present state of things, we cannot reasonably expect Spain to take any measure towards lowering her tariff at Havana — a tariff, the high rates of which are a subject of complaint in the United States; and this circumstance has not unfrequently been put forward as an excuse for unauthorized aggressions against the Spanish authorities in the island. But if, by the guaranty of quiet possession which the proposed declaration of the great maritime powers would confer, Spain should be enabled to diminish her military force in Cuba, she might probably be induced to relieve foreign commerce there from the charges which now press upon it; and of this foreign commerce, as I have already observed, the United States have by far the largest share.

“In conclusion, the project of a convention which I have had the honor of presenting to you consists of a single article, and has but two objects in view — the one, a mutual renunciation of the future possession of Cuba; the other, an engagement to cause this

renunciation to be respected. Both of these objects seem to have been matters which have already attracted the attention of the American government. Decisive measures, indeed, for the preservation of the sovereignty of Cuba to Spain have been contemplated by the government of the United States on several occasions. Among others, at the time when a report was in circulation (although without foundation) that a Spanish general intended retiring to Cuba, and there declaring himself independent of Spain, under the protection of one of the great maritime powers, the government of the United States did not hesitate to offer to the Spanish government the assistance of their forces, both naval and military, in resisting any such attempt.

"On the present occasion, Great Britain and France do not propose to the United States to do more in concert with them than the United States themselves offered to do alone on the occasion I allude to; for the project of a convention which I have had the honor of submitting to you proposes that the three contracting powers should engage themselves to 'discountenance and prevent, as far as in them lies,' &c., and consequently would not engage any one of the three governments to do more than their respective constitutions may authorize. This will, it is hoped, facilitate the adoption by the government of the United States of the project, and enable the government of the United States, by associating themselves with those of Great Britain and France in this important declaration, to secure the future tranquillity of the commerce of the world in those seas, to discourage illegal enterprises against Cuba, and to draw closer the bonds of amity which bind the United States to Great Britain, as well as to France and Spain.

"I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

"JOHN F. CRAMPTON."

The letter of the French minister was of precisely the same import, and Mr. Everett's answer was addressed to that gentleman.

"Mr. Everett to the Comte de Sartiges.

"DEPARTMENT OF STATE,

"WASHINGTON, December 1, 1852.

"SIR: You are well acquainted with the melancholy circumstances which have hitherto prevented a

reply to the note which you addressed to my predecessor on the 8th of July.

"That note, and the instruction of M. de Turgot of the 31st of March, with a similar communication from the English minister, and the *projet* of a convention between the three powers relative to Cuba, have been among the first subjects to which my attention has been called by the president.

"The substantial portion of the proposed convention is expressed in a single article in the following terms: 'The high contracting parties hereby severally and collectively disclaim, now and for hereafter, all intention to obtain possession of the Island of Cuba; and they respectively bind themselves to discountenance all attempt to that effect on the part of any power or individuals whatever.'

"'The high contracting parties declare, severally and collectively, that they will not obtain or maintain for themselves, or for any one of themselves, any exclusive control over the said island, nor assume nor exercise any dominion over the same.'

"The president has given the most serious attention to this proposal, to the notes of the French and British ministers accompanying it, and to the instructions of M. de Turgot and the Earl of Malmesbury, transmitted with the project of the convention; and he directs me to make known to you the view which he takes of this important and delicate subject.

"The president fully concurs with his predecessors, who have on more than one occasion authorized the declaration referred to by M. de Turgot and Lord Malmesbury, that the United States could not see with indifference the Island of Cuba fall into the possession of any other European government than Spain; not, however, because we should be dissatisfied with any natural increase of territory and power on the part of France or England. France has, within twenty years, acquired a vast domain on the northern coast of Africa, with a fair prospect of indefinite extension. England, within half a century, has added very extensively to her empire. These acquisitions have created no uneasiness on the part of the United States.

"In like manner, the United States have, within the same period, greatly increased their territory. The largest addition was that of Louisiana, which was purchased from France. These accessions of territory have probably caused no uneasiness to the great European powers, as they have been brought about by the operation of natural causes, and without any

disturbance of the international relations of the principal states. They have been followed, also, by a great increase of mutually beneficial commercial intercourse between the United States and Europe.

"But the case would be different in reference to the transfer of Cuba from Spain to any other European power. That event could not take place without a serious derangement of the international system now existing, and it would indicate designs in reference to this hemisphere which could not but awaken alarm in the United States.

"We should view it in somewhat the same light in which France and England would view the acquisition of some important island in the Mediterranean by the United States, with this difference, it is true: that the attempt of the United States to establish themselves in Europe would be a novelty, while the appearance of a European power in this part of the world is a familiar fact. But this difference in the two cases is merely historical, and would not diminish the anxiety which, on political grounds, would be caused by any great demonstration of European power in a new direction in America.

"M. de Turgot states that France could never see with indifference the possession of Cuba by *any* power but Spain, and explicitly declares that she has no wish or intention of appropriating the island to herself; and the English minister makes the same avowal on behalf of his government. M. de Turgot and Lord Malmesbury do the government of the United States no more than justice in remarking that they have often pronounced themselves substantially in the same sense. The president does not covet the acquisition of Cuba for the United States; at the same time, he considers the condition of Cuba as mainly an American question. The proposed convention proceeds on a different principle. It assumes that the United States have no other or greater interest in the question than France or England; whereas it is necessary only to cast one's eye on the map to see how remote are the relations of Europe, and how intimate those of the United States with this island.

"The president, doing full justice to the friendly spirit in which his concurrence is invited by France and England, and not insensible to the advantages of a good understanding between the three powers in

reference to Cuba, feels himself, nevertheless, unable to become a party to the proposed compact, for the following reasons:—

"It is, in the first place, in his judgment, clear (as far as the respect due from the executive to a coördinate branch of the government will permit him to anticipate its decision) that no such convention would be viewed with favor by the Senate. Its certain rejection by that body would leave the question of Cuba in a more unsettled position than it is now. This objection would not require the president to withhold his concurrence from the convention if no other objection existed, and if a strong sense of the utility of the measure rendered it his duty, as far as the executive action is concerned, to give his consent to the arrangement. Such, however, is not the case.

"The convention would be of no value unless it were lasting: accordingly its terms express a perpetuity of purpose and obligation. Now, it may well be doubted whether the constitution of the United States would allow the treaty-making power to impose a permanent disability on the American government for all coming time, and prevent it, under any future change of circumstances, from doing what has been so often done in times past. In 1803 the United States purchased Louisiana of France; and in 1819 they purchased Florida of Spain. It is not within the competence of the treaty-making power in 1852 effectually to bind the government in all its branches; and, for all coming time, not to make a similar purchase of Cuba. A like remark, I imagine, may be made even in reference both to France and England, where the treaty-making power is less subject than it is with us to the control of other branches of the government.

"There is another strong objection to the proposed agreement. Among the oldest traditions of the federal government is an aversion to political alliances with European powers. In his memorable farewell address, President Washington says, 'The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.' President Jefferson, in his inaugural address in 1801, warned the country against 'entangling alliances.'

This expression, now become proverbial, was unquestionably used by Mr. Jefferson in reference to the alliance with France of 1778—an alliance, at the time, of incalculable benefit to the United States; but which, in less than twenty years, came near involving us in the wars of the French revolution, and laid the foundation of heavy claims upon Congress, not extinguished to the present day. It is a significant coincidence, that the particular provision of the alliance which occasioned these evils was that under which France called upon us to aid her in defending her West Indian possessions against England. Nothing less than the unbounded influence of Washington rescued the Union from the perils of that crisis, and preserved our neutrality.

“But the president has a graver objection to entering into the proposed convention. He has no wish to disguise the feeling that the compact, although equal in its terms, would be very unequal in substance. France and England, by entering into it, would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European power, whose natural right to possess it must always be as good as their own—a distant island in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present balance of power in Europe should be broken up, if Spain should become unable to maintain the island in her possession, and France and England should be engaged in a death struggle with each other, Cuba might then be the prize of the victor. Till these events all take place, the president does not see how Cuba can belong to any European power but Spain.

“The United States, on the other hand, would, by the proposed convention, disable themselves from making an acquisition which might take place without any disturbance of existing foreign relations, and in the natural order of things. The Island of Cuba lies at our doors. It commands the approach to the Gulf of Mexico, which washes the shores of five of our states. It bars the entrance of that great river which drains half the North American continent, and with its tributaries forms the largest system of internal water communication in the world. It keeps watch at the doorway of our intercourse with California by the Isthmus route. If an island like Cuba,

belonging to the Spanish crown, guarded the entrance of the Thames and the Seine, and the United States should propose a convention like this to France and England, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume.

“The opinions of American statesmen at different times, and under varying circumstances, have differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially it would, in our hands, be an extremely valuable possession. Under certain contingencies it might be almost essential to our safety. Still, for domestic reasons, on which, in a communication of this kind, it might not be proper to dwell, the president thinks that the incorporation of the island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure; and he would consider its acquisition by force, except in a just war with Spain, (should an event so greatly to be deprecated take place,) as a disgrace to the civilization of the age.

“The president has given ample proof of the sincerity with which he holds these views. He has thrown the whole force of his constitutional power against all illegal attacks upon the island. It would have been perfectly easy for him, without any seeming neglect of duty, to allow projects of a formidable character to gather strength by connivance. No amount of obloquy at home, no embarrassments caused by the indiscretions of the colonial government of Cuba, have moved him from the path of duty in this respect. The captain general of that island, an officer apparently of upright and conciliatory character, but probably more used to military command than the management of civil affairs, has, on a punctilio in reference to the purser of a private steamship, (who seems to have been entirely innocent of the matters laid to his charge,) refused to allow passengers and the mails of the United States to be landed from a vessel having him on board. This certainly is a very extraordinary mode of animadverting upon a supposed abuse of the liberty of the press by the subject of a foreign government in his native country. The captain general is not permitted by his government, three thousand miles off, to hold any diplomatic intercourse with the United States. He is subject in no degree to the direction of the Spanish

minister at Washington; and the president has to choose between a resort to force, to compel the abandonment of this gratuitous interruption of commercial intercourse, (which would result in war,) and a delay of weeks and months, necessary for a negotiation with Madrid, with all the chances of the most deplorable occurrences in the interval—and all for a trifle, that ought to have admitted a settlement by an exchange of notes between Washington and the Havana. The president has, however, patiently submitted to these evils, and has continued faithfully to give to Cuba the advantages of those principles of the public law under the shelter of which she has departed, in this case, from the comity of nations. But the incidents to which I allude, and which are still in train, are among many others which point decisively to the expediency of some change in the relations of Cuba; and the president thinks that the influence of France and England with Spain would be well employed in inducing her so to modify the administration of the government of Cuba as to afford the means of some prompt remedy for evils of the kind alluded to, which have done much to increase the spirit of unlawful enterprise against the island.

“That a convention such as is proposed would be a transitory arrangement, sure to be swept away by the irresistible tide of affairs in a new country, is, to the apprehension of the president, too obvious to require a labored argument. The project rests on principles applicable, if at all, to Europe, where international relations are, in their basis, of great antiquity, slowly modified, for the most part, in the progress of time and events; and not applicable to America, which, but lately a waste, is filling up with intense rapidity, and adjusting on natural principles those territorial relations which, on the first discovery of the continent, were in a good degree fortuitous.

“The comparative history of Europe and America, even for a single century, shows this. In 1752, France, England, and Spain, were not materially different in their political position in Europe from what they now are. They were ancient, mature, consolidated states, established in their relations with each other and the rest of the world—the leading powers of Western and Southern Europe. Totally different was the state of things in America. The United States had no existence as a people; a line of English colonies, not numbering much over a million

of inhabitants, stretched along the coast. France extended from the Bay of St. Lawrence to the Gulf of Mexico, and from the Alleghanies to the Mississippi; beyond which, westward, the continent was a wilderness, occupied by wandering savages, and subject to a conflicting and nominal claim on the part of France and Spain. Every thing in Europe was comparatively fixed; every thing in America provisional, incipient, and temporary, except the law of progress, which is as organic and vital in the youth of states as of individual men. A struggle between the provincial authorities of France and England for the possession of a petty stockade at the confluence of the Monongahela and Alleghany, kindled the seven years' war; at the close of which the great European powers, not materially affected in their relations at home, had undergone astonishing changes on this continent. France had disappeared from the map of America, whose inmost recesses had been penetrated by her zealous missionaries and her resolute and gallant adventurers; England had added the Canadas to her transatlantic dominions; Spain had become the mistress of Louisiana, so that, in the language of the Archbishop of Mexico, in 1770, she claimed Siberia as the northern boundary of New Spain.

“Twelve years only from the treaty of Paris elapsed, and another great change took place, fruitful of still greater changes to come. The American revolution broke out. It involved France, England, and Spain in a tremendous struggle; and at its close the United States of America had taken their place in the family of nations. In Europe, the ancient states were restored substantially to their former equilibrium; but a new element, of incalculable importance in reference to territorial arrangements, is henceforth to be recognized in America.

“Just twenty years from the close of the war of the American revolution, France, by a treaty with Spain,—of which the provisions have never been disclosed,—possessed herself of Louisiana, but did so only to cede it to the United States; and in the same year Lewis and Clark started on their expedition to plant the flag of the United States on the shores of the Pacific. In 1819 Florida was sold by Spain to the United States, whose territorial possessions in this way had been increased threefold in half a century. This last acquisition was so much a matter of course that it had been distinctly foreseen

by the Count Aranda, then prime minister of Spain, as long ago as 1783.

"But even these momentous events are but the forerunners of new territorial revolutions still more stupendous. A dynastic struggle between the Emperor Napoleon and Spain, commencing in 1808, convulsed the Peninsula. The vast possessions of the Spanish crown on this continent, — viceroyalties and captain generalships, filling the space between California and Cape Horn, — one after another asserted their independence. No friendly power in Europe, at that time, was able, or, if able, was willing, to succor Spain, or aid her to prop the crumbling buttresses of her colonial empire. So far from it, when France, in 1823, threw an army of one hundred thousand men into Spain to control her domestic politics, England thought it necessary to counteract the movement by recognizing the independence of the Spanish provinces in America. In the remarkable language of the distinguished minister of the day, in order to redress the balance of power in Europe, he called into existence a new world in the west — somewhat overrating, perhaps, the extent of the derangement in the old world, and not doing full justice to the position of the United States in America, or their influence on the fortunes of their sister republics on this continent.

"Thus, in sixty years from the close of the seven years' war, Spain, like France, had lost the last remains of her once imperial possessions on this continent. The United States, meantime, were, by the arts of peace and the healthful progress of things, rapidly enlarging their dimensions and consolidating their power.

"The great march of events still went on. Some of the new republics, from the effect of a mixture of races, or the want of training in liberal institutions, showed themselves incapable of self-government. The province of Texas revolted from Mexico by the same right by which Mexico revolted from Spain. At the memorable battle of San Jacinto, in 1836, she passed the great ordeal of nascent states, and her independence was recognized by this government, by France, by England, and other European powers. Mainly peopled from the United States, she sought naturally to be incorporated into the Union. The offer was repeatedly rejected by Presidents Jackson and Van Buren, to avoid a collision with Mexico.

At last the annexation took place. As a domestic question, it is no fit subject for comment in a communication to a foreign minister; as a question of public law, there never was an extension of territory more naturally or justifiably made.

"It produced a disturbed relation with the government of Mexico; war ensued, and in its results other extensive territories were, for a large pecuniary compensation on the part of the United States, added to the Union. Without adverting to the divisions of opinion which arose in reference to this war, as must always happen in free countries in reference to great measures, no person surveying these events with the eye of a comprehensive statesmanship can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world. Vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilization. Freedom of speech and the press, the trial by jury, religious equality, and representative government, have been carried by the constitution of the United States into extensive regions in which they were unknown before. By the settlement of California, the great circuit of intelligence round the globe is completed. The discovery of the gold of that region — leading, as it did, to the same discovery in Australia — has touched the nerves of industry throughout the world. Every addition to the territory of the American Union has given homes to European destitution and gardens to European want. From every part of the United Kingdom, from France, from Switzerland and Germany, and from the extremest north of Europe, a march of immigration has been taken up, such as the world has never seen before. Into the United States — grown to their present extent in the manner described — but little less than half a million of the population of the old world is annually pouring, to be immediately incorporated into an industrious and prosperous community, in the bosom of which they find political and religious liberty, social position, employment, and bread. It is a fact which would defy belief, were it not the result of official inquiry, that the immigrants to the United States from Ireland alone, besides having subsisted themselves, have sent back to their kindred, for the three last years, nearly five millions of dollars annually; thus

doubling in three years the purchase money of Louisiana.

"Such is the territorial development of the United States in the past century. Is it possible that Europe can contemplate it with an unfriendly or jealous eye? What would have been her condition in these trying years but for the outlet we have furnished for her starving millions?

"Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Porto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The president desires to do so; no word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should do so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least twelve millions of dollars? Cuba, at this moment, costs more to Spain than the entire naval and military establishment of the United States costs the federal government. So far from being really injured by the loss of this island, there is no doubt that, were it peacefully transferred to the United States, a prosperous commerce between Cuba and Spain, resulting from ancient associations and common language and tastes, would be far more productive than the best contrived system of colonial taxation. Such, notoriously, has been the result to Great Britain of the establishment of the independence of the United States. The decline of Spain from the position which she held in the time of Charles V. is coeval with the foundation of her colonial system; while within twenty-five years, and since the loss of most of her colonies, she has entered upon a course of rapid improvement unknown since the abdication of that emperor.

"I will but allude to an evil of the first magnitude: I mean the African slave trade, in the suppression of which France and England take a lively interest—an evil which still forms a great reproach

upon the civilization of Christendom, and perpetuates the barbarism of Africa, but for which, it is to be feared, there is no hope of a complete remedy while Cuba remains a Spanish colony.

"But, whatever may be thought of these last suggestions, it would seem impossible for any one who reflects upon the events glanced at in this note to mistake the law of American growth and progress, or think it can be ultimately arrested by a convention like that proposed. In the judgment of the president, it would be as easy to throw a dam from Cape Florida to Cuba, in the hope of stopping the flow of the Gulf Stream, as to attempt, by a compact like this, to fix the fortunes of Cuba 'now and for hereafter;' or, as expressed in the French text of the convention, 'for the present as for the future,' (*pour le present comme pour l'avenir*,) that is, for all coming time. The history of the past—of the recent past—affords no assurance that twenty years hence France or England will even wish that Spain should retain Cuba; and a century hence, judging of what will be from what has been, the pages which record this proposition will, like the record of the family compact between France and Spain, have no interest but for the antiquary.

"Even now the president cannot doubt that both France and England would prefer any change in the condition of Cuba to that which is most to be apprehended, viz., an internal convulsion which should renew the horrors and the fate of San Domingo.

"I will intimate a final objection to the proposed convention. M. de Turgot and Lord Malmesbury put forward, as the reason for entering into such a compact, 'the attacks which have lately been made on the Island of Cuba by lawless bands of adventurers from the United States, with the avowed design of taking possession of that island.' The president is convinced that the conclusion of such a treaty, instead of putting a stop to these lawless proceedings, would give a new and powerful impulse to them. It would strike a death blow to the conservative policy hitherto pursued in this country toward Cuba. No administration of this government, however strong in the public confidence in other respects, could stand a day under the odium of having stipulated with the great powers of Europe, that in no future time, under no change of circumstances, by no amicable arrangement with Spain, by

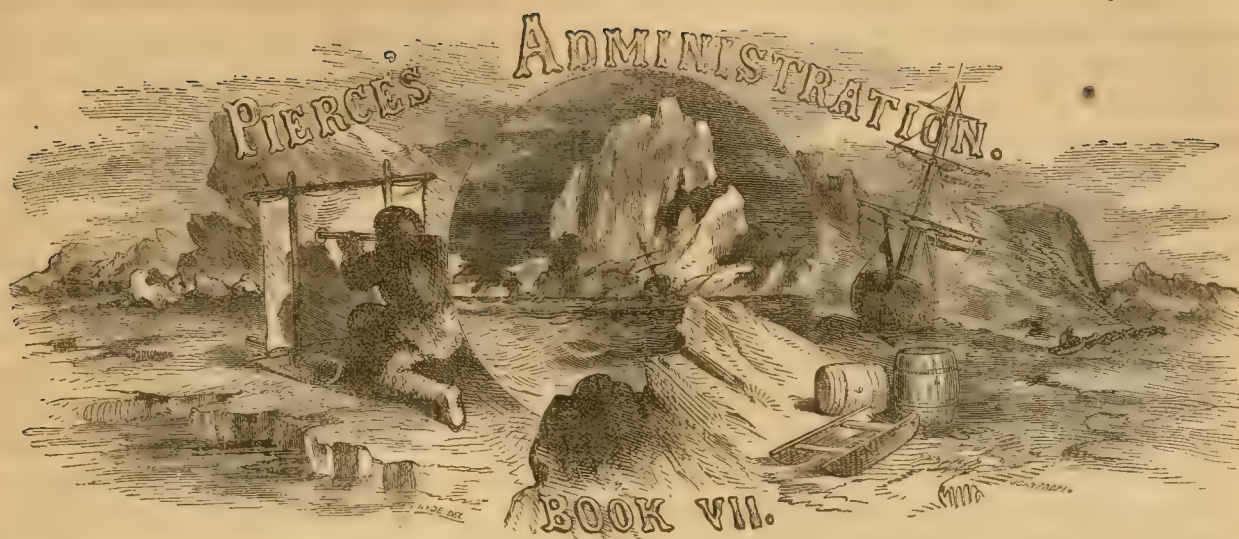
no act of lawful war, (should that calamity unfortunately occur,) by no consent of the inhabitants of the island, should they, like the possessions of Spain on the American continent, succeed in rendering themselves independent, in fine, by no overruling necessity of self-preservation, should the United States ever make the acquisition of Cuba.

“For these reasons, which the president has thought it advisable, considering the importance of the subject, to direct me to unfold at some length, he feels constrained to decline respectfully the invitation of France and England to become parties to the proposed convention. He is persuaded that these friendly powers will not attribute this refusal to any insen-

sibility on his part to the advantages of the utmost harmony between the great maritime states on a subject of such importance. As little will Spain draw any unfavorable inference from this refusal; the rather, as the emphatic disclaimer of any designs against Cuba on the part of this government, contained in the present note, affords all the assurance which the president can constitutionally, or to any useful purpose, give of a practical concurrence with France and England in the wish not to disturb the possession of that island by Spain.

“I avail myself, sir, of this opportunity to assure you of my distinguished consideration.

“EDWARD EVERETT.”



CHAPTER I.

President Pierce. — Inauguration and Inaugural Address. — The Vice-President. — Cabinet and Diplomatic Appointments. — Pacific Railroad. — Expeditions under President Fillmore. — Lord John Russell and Cuba. — Letter from Honorable Edward Everett. — Release of Martin Koszta. — New York Crystal Palace Exhibition.

FRANKLIN PIERCE, the fourteenth president, was born at Hillsborough, New Hampshire, November 23d, 1804, and was, therefore, at the time of his election to the presidency, forty-eight years of age. His father was a soldier in the revolutionary war, who, at the first call to arms, had left his plough and enlisted in the patriot cause, being present at the battle of Bunker Hill, and returning only at the end of the war, after seven years' absence. General Pierce was educated at Bowdoin College, in Maine, where he graduated in 1824. He commenced the study of law with the late Judge Woodbury, and afterwards pursued his studies at the law school in Northampton, Massachusetts, and with the late Judge Parker of that state. When first admitted to practice at the bar he gained little distinction, and preferred the excitement of political life to the duller business of country

practice. He enlisted warmly in the presidential canvass of that time, in favor of General Jackson.

In 1829, Franklin Pierce was elected a member of the legislature of his state, and served in that capacity four years, during the two latter being speaker of the house. He was elected a member of Congress in 1833. In that place he did not attain to a very prominent position; his speeches were few, and not remarkable for eloquence or power. He was, however, a staunch supporter of the policy of his party, and he labored zealously to carry out the measures of General Jackson's administration. While in the lower house of Congress, "he took that stand on the slavery question, from which he has never since swerved a hair's breadth. He fully recognized, by his votes and by his voice, the rights pledged to the South by the constitution,"—a position which in after years was duly acknowledged by the South, with the nomination for the presidency.

After serving four years in the house of representatives, Mr. Pierce was elected to the United States senate in 1837, at the commencement of Mr. Van Buren's administration. The sen-

ate at that time numbered many of the ablest statesmen who have adorned the annals of our country, and among such men, it could hardly be expected that Mr. Pierce, who was the youngest member of that body, should occupy a very conspicuous position. He was, however, esteemed by his political friends as one of the staunchest of their number, and as a tactician and party champion his ability was acknowledged by even the veteran leaders. After one term of service in the senate, in 1842, Mr. Pierce voluntarily retired from public life, and gave his attention to his profession. He had already achieved a reputation as an advocate, by his occasional efforts at the bar during his public life, so that on his retirement from the senate he entered at once upon a large practice, and soon attained to eminence in his profession, his services being in demand on all the important trials which occurred in the state. An offer of the appointment to a vacancy in the United States senate, and a place in the cabinet of Mr. Polk, as attorney general, could not withdraw him from the extensive practice in which he was then engaged.

The war with Mexico, however, drew Mr. Peirce from private life, and when the army was increased by the addition of several new regiments, he was appointed to the 9th, or New England, regiment. He shortly after received the commission of brigadier-general, and proceeded to Vera Cruz, where he took command of his brigade, which was to reënforce the army of General Scott, then on its march to the capital. The command of General Pierce, while on the march to join General Scott, was attacked at the National Bridge, and met with some other slight obstructions; but it reached the main army in time to participate in the battles that took place in the neighborhood of Mexico. At the battle of Contreras, General Pierce, early in the contest, received severe injuries by the fall of his horse; but he continued on the field through that day and night, and

was at the head of his column the next, when the battle was continued. In the battle of Cherubusco, which followed, he still led his brigade, though suffering from his injuries, until, while at the head of the column and under a severe fire, he fainted from pain and exhaustion. The estimation in which General Scott held the services of General Pierce was shown by the appointment of the latter as one of the commissioners to arrange the terms of the armistice, which was proposed by Santa Anna. Subsequently he was engaged with his command in the battle of Molino del Rey, and would have been in the last battle of the war, Chapultepec, had he not been taken so ill that he could not leave the quarters of General Worth, to which he was obliged to retire before the fight commenced.

At the close of the war, General Pierce resigned his commission, and resumed the practice of his profession in New Hampshire, and he remained in this position until nominated for the presidency. This nomination, as has been already intimated, was one which occasioned some surprise to the country, as General Pierce's name had not been mentioned much in connection with that office, except among the shrewder managers of the party. It was, however, for the party, a safe nomination, and resulted in success.

The inauguration of President Pierce took place March 4th, 1853. His cabinet was named and confirmed a few days after his inauguration, and was composed as follows:—

Secretary of State,	Wm. L. Marcy, of N. Y.
“ “ the Treasury,	James Guthrie, of Ky.
“ “ the Interior,	Rob't McClelland, of Mich.
“ “ War,	Jefferson Davis, of Miss.
“ “ the Navy,	James C. Dobbin, of N. C.
Postmaster-General,	James Campbell, of Penn.
Attorney-General,	Caleb Cushing, of Mass.

The vice-president, elected with President Pierce, was Honorable William R. King, of Alabama, who had served for more than thirty

years, almost continuously, in Congress, or in other prominent positions, and was much respected for his pure character, wisdom, and experience. He did not, however, live to enter upon the duties of the station to which he had been chosen. His health was failing at the time of the election, and he was seeking its restoration in Cuba at the time of the inauguration of the new administration. But, on the 2d of March, in order to provide against any question of succession which might arise in the event of a vacancy in the presidency, Congress passed an act authorizing the oath of office to be administered to him while abroad. This was accordingly done at the Ariadne estate, near Matanzas, in Cuba, on the 24th of March, 1853. Mr. King's health continued to decline, and he had barely sufficient strength to reach his home in Alabama, where he died on the 18th of April.

Some of the principal diplomatic appointments, subsequently made, were, —

James Buchanan, of Pennsylvania, to Great Britain.

Thomas H. Seymour, of Connecticut, to Russia.

James Gadsden, of South Carolina, to Mexico.

Pierre A. Soulé, of Louisiana, to Spain.

Solon Borland, of Arkansas, to Central America.

Peter D. Vroom, of New Jersey, to Prussia.

William Trousdale, of Tennessee, to Brazil.

Few administrations have come into power under more favorable circumstances than that of President Pierce. The country had passed through the severe political struggle arising from the acquisition of new territories, and culminating in the compromises of 1850, and after the presidential canvass, which was also an exciting one, the people seemed to desire repose from this sort of contests, and were disposed to look with favor upon the course of the new administration. His inaugural address and his first annual message, therefore, in their allusions to this state of things, afforded much satisfaction, and a strong hope that, the agitation having ceased, the aim of the government, in all

its departments, would be directed to its legitimate purposes — the promotion of the varied interests of the whole country. In his inaugural address President Pierce declared, "that to every theory of society or of government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall oppose a ready and stern resistance."

The compromise measures of 1850 he held to be strictly constitutional, and to be unhesitatingly carried into effect, — that they are to be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully, and according to the decisions of the tribunal to which their exposition belongs.

The views expressed on the part of the administration, and acquiescence on the part of the people of all sections, in the present position of the great questions which had agitated them, indicated that years of peace might ensue, and men hoped that while the country advanced in material prosperity a better feeling would eventually lead to a more friendly and satisfactory solution of old difficulties. Subsequent events, however, proved that these hopes were delusive.

The president, in his inaugural, also expressed his views in regard to subjects of interest to the nation, thus in some degree indicating the policy to be pursued by his administration. On the subject of extended territory, multiplication of states, and increased population, which had been in earlier days regarded with some forebodings, he believed that experience had shown that these apprehensions were unfounded, and he declared, "The policy of my administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised, that our attitude as a nation, and our position on the globe, render the acquisition of certain possessions, not within our jurisdiction, eminently important for our protection,

if not, in the future, essential for our preservation of the rights of commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith."

He said, further, that the policy of our country ought to be eminently peaceful, and with the neighboring nations on our continent we should cultivate kindly and fraternal relations, while, on the other hand, we should avoid becoming entangled in the politics of Europe. In this connection President Pierce declared, that "the rights, security, and repose of this confederacy, reject the idea of interference or colonization, on this side of the ocean, by any foreign power, beyond present jurisdiction, as utterly inadmissible." The other topics of the address were, for the most part, such as may be usually found in such a document,—the relations of the government to the people, of the states to the Federal Union, of office holders to the administration, etc., in which the political views of the party are set forth with such moderation and modifications as may satisfy friends and not exasperate foes. As a whole, the inaugural was acceptable to the country, and, as before stated, a season of domestic peace and progress was anticipated.

Shortly before the close of the session of Congress in March, 1853, an appropriation of one hundred and fifty thousand dollars was made to defray the expenses of surveys of various routes for a railroad from the Mississippi to the Pacific—an object which had received the encouragement of Mr. Fillmore's administration. For these surveys six parties were organized by the war department, to explore four main routes; they were early in the field, and were completely organized for a thorough exploration. The first, under the command of Governor I. I. Stevens, was to survey the line of the forty-seventh parallel, or what is

termed the northern route. The second, under the command of Captain J. W. Gunnison, took the line of the thirty-eighth, thirty-ninth, and forty-first parallels. Captain Gunnison, however, with two of his officers, was killed by the Indians, and Captain E. G. Beckwith succeeded to his command. The third party, under Captain A. W. Whipple, took the line of the thirty-fifth parallel. The fourth party, under Lieutenant R. S. Williamson, surveyed the California portion of the routes to San Francisco. The fifth and sixth, under Captain J. Pope and Lieutenant J. G. Parke, surveyed the thirty-second parallel, or southern route. These surveys were made with efficiency, and valuable geological, zoological, and botanical collections were made. The reports of these several expeditions, though tardy in their preparation and apparently of little practical importance, so far as their original object was concerned, have added much to the geography and natural history of the regions explored.

It may be proper here to allude to several other expeditions which were initiated and organized under President Fillmore, whose administration thus did much to develop the resources of our own country, and to open others to its commerce. The expedition to Japan, under Commodore Perry, has already been alluded to, and its results will be mentioned hereafter. Besides this, expeditions were sent to explore the valley of the Amazon, to explore the La Plata and the Paraguay and Parana Rivers far into the interior of South America, and a party was also sent to explore the Red River, and the country which it drains, while other similar works of minor importance were also encouraged.

The letter of Mr. Everett, then secretary of state, rejecting the proposal made by France and England for a tripartite treaty relative to the Island of Cuba, (page 560,) called out a letter from Lord John Russell in reply to the positions taken by Mr. Everett. The letter

was a despatch to Mr. Crampton, the British minister at Washington, and was subsequently laid before the government, but was not considered as demanding any reply. In it his lordship says, —

“The object of the argument, introduced by Mr. Everett with so much preparation, and urged with so much ability, is clearly to procure the admission of a doctrine, that the United States have an interest in Cuba, to which Great Britain and France cannot pretend. If the object of the United States is simply to prevent Cuba from falling into the hands of any European power, the convention proposed would secure that end. But if it is intended to maintain that Great Britain and France have no interest in the maintenance of the present *status* of Cuba, and that the United States alone have a right to a voice in that matter, the British government at once refuses to admit such a claim. Her possessions in the West Indies, to say nothing of the interests of Mexico and other friendly states, give Great Britain an interest in the question which she cannot forego: and France has similar interests, which she will doubtless urge at the proper time.”

The distinguished minister then endeavors to controvert the arguments and weaken the positions of Mr. Everett, the force of which appears to have been felt by the British ministry. In conclusion, he says, “While fully admitting the right of the United States to reject the proposal, Great Britain must at once resume her entire liberty, and upon any occasion that may call for it, be free to act singly or in conjunction with other powers, as to her may seem fit.”

Although this despatch did not seem to require any further discussion of the question on the part of the government, (the administration apparently taking the same position as that of its predecessor on this question,) Mr. Everett took occasion to reply, individually, to

Lord John Russell; and as his letter relates to a subject of importance, and serves to enforce his former arguments, the following extracts are not out of place in these pages: —

“BOSTON, September 17, 1853.

“MY LORD: Your despatch of the 16th February last to Mr. Crampton has lately appeared in our public papers. As it is in reality, if not in form, a reply to my letter of the 1st December, 1852, on the subject of Cuba, I regret that it was not prepared and sent before my retirement from the department of state. But though I must now do it as a private individual, I feel as if it were to some extent my duty to answer it. I shall endeavor to do so in a manner consistent with my sincere respect for your public character, and a lively recollection of your personal kindness during my residence in England.

“Before remarking on the contents of your letter, I will observe that, though it contains some courteous expressions, its tone is, upon the whole, not quite as conciliatory as might have been expected, considering that my letter of the 1st December was altogether respectful and friendly towards the two powers, both in form and in substance. I have heard that in presenting this correspondence to parliament you indulged ‘in some sarcastic remarks,’ but I have not seen any report of them. Your despatch is not free from a shade of sarcasm in one or two sentences. This I shall endeavor to avoid in reply, not that it would be difficult to follow you into that field, but because I cannot think that an encounter of wits between us would be an edifying spectacle, or one which would promote any desirable national object.

“You say, that in my letter of the 1st December I entered into ‘arguments not required by the simple nature of the question before me;’ and the length of my letter has been complained of in other quarters. The question propounded to us was certainly in one sense

simple, as every question is that can be answered 'Yes' or 'No.' But how various, complicated, and important the interests and relations involved in it! Besides, the organ of every government must be the only judge of the proper length and relevancy of his replies to the communications of foreign powers. * *

"You say that 'it occurs to her Majesty's government to ask for what purpose are these arguments introduced with so much preparation and urged with so much ability;' and you answer the question in the following manner: 'It would appear that the purpose, *not fully avowed, but hardly concealed*, is to procure the admission of a doctrine, that the United States have an interest in Cuba, to which Great Britain and France cannot pretend.'

"Here a little unintentional injustice is done to my letter, in which it is distinctly stated, more than once, for reasons set forth at length and very partially controverted by you, that the government of the United States considered the condition of Cuba 'as mainly an American question,' in which they had a very deep interest, and you a very limited one. Not only was no attempt whatever made to conceal this doctrine, but it was fully avowed and reasoned out in my letter of the 1st December, 1852. * * *

"But though the United States certainly consider that they have 'an interest in the condition of Cuba, to which Great Britain and France cannot pretend,' it is not, either in my letter, nor in any other American state paper within my recollection, assumed that Great Britain and France have '*no* interest in the maintenance of the present *statu quo*, and that the United States *alone* have a right to a voice in the matter.' Our doctrine is, not that we have an absolutely exclusive interest in the subject, but that we have a far deeper and more immediate interest than France or England can possibly lay claim to. A glance at

the map, one would think, would satisfy every impartial mind of this truth.

"In order to establish for France and England an equal interest with the United States in the condition of Cuba, you say, 'Great Britain is in possession, by treaty, of the Island of Trinidad, which in the last century was a colony of Spain. France was in possession at the commencement of this century of Louisiana by voluntary cession of Spain.' It is true that Spain was compelled by France to cede Trinidad to Great Britain by the treaty of Amiens. If, while this cession was in agitation, — as it was for some time, — the United States and any other neutral power (if there was any other) had exerted themselves to defeat it, and had invited you and France to bind yourselves by a perpetual compact never to acquire it, the interference, I apprehend, would have been regarded as worse than gratuitous. I cannot see why we have not as good a right to obtain, if we can, from Spain, the voluntary cession of Cuba, as you had to accept the compulsory cession of Trinidad, which is, by position and strength, the Cuba of the south-eastern Antilles.

"France was, as you say, at the beginning of this century, in possession of Louisiana, by the voluntary cession of Spain. This possession, however, (nominal at best,) did not take place till seven months after France had sold Louisiana to the United States for eighty millions of francs, and it lasted only from the 30th November to the 20th December, 1803. The object of France in acquiring Louisiana, was to reestablish herself in the interior of this country — an object, I need not say, as menacing to your North American possessions as to the United States. Is it possible you can think such a possession of Louisiana for such a purpose a sufficient ground on the part of France for interfering with our relations with Cuba? May she, a European power, without consulting us, obtain from Spain, in 1800, a cession of

half the habitable portion of North America, — a cession which threw her for fifteen hundred miles on our western frontier, and not only shut us out from the Pacific, but enabled her to close the Mississippi; and is it so very unreasonable in us to decline her invitation to bind ourselves for all time not to accept the cession of an island which lies within thirty-five leagues of our coast? Does she even derive her right thus to control our relations with Cuba in 1853 from her twenty days' possession of Louisiana in 1803? What can be clearer than that whatever right accrued to her from that three weeks' possession (which was a mere ceremonial affair, to give form to the transfer of the province to the United States) must have passed to us by that transfer, followed by our actual possession and occupation for half a century? * * *

"The expeditions to which you allude, as calculated to excite the 'reprobation of every civilized state,' were discountenanced by the president in every constitutional and legal way. The utmost vigilance was at all times employed, but, unhappily for the adventurers themselves, without effect. In this there is matter neither for wonder nor reproach. The territory of the United States is but little less than the whole of Europe; while their population is not quite equal to that of the United Kingdom, and their standing military force small, and scattered over an immensely extensive frontier. Our government, like that of England, is one of law; and there is a great similarity between the laws of the two countries which prohibit military expeditions against the possessions of friendly powers. In fact your foreign enlistment act of 1819 was admitted by Mr. Canning to have been founded in part on our neutrality law of the preceding year. Of the two, I believe our laws are the more stringent; but it is somewhat difficult to enforce them in both countries.

"These expeditions, got up in the United

States by a Spanish general, and supposed to indicate a lawless disposition on the part of the American people, comprised a very small number of persons, some of whom were foreigners, enjoying the same freedom of action in the United States, that refugees from every part of the continent enjoy in England. The same reproach which is cast upon us for these expeditions is, at this moment, cast upon England by the continental powers. Events which have occurred in London since your despatch was written, strikingly illustrate the difficulty and the risk, under constitutional governments, of preventing abuses of that hospitality which it is the privilege and boast of such governments to extend to all who seek it.

"There is, no doubt, widely prevalent in this country a feeling that the people of Cuba are justly disaffected to the government of Spain. A recent impartial French traveller, M. Ampère, confirms this impression. All the ordinary political rights enjoyed in free countries are denied to the people of that island. The government is, in principle, the worst form of despotism, namely, absolute authority delegated to a military viceroy, and supported by an army from abroad. I speak of the nature of the government, and not of the individuals by whom it is administered; for I have formed a very favorable opinion of the personal character of the present captain-general, as of one or two of his predecessors. Of the bad faith and the utter disregard of treaties with which this bad government is administered, your committees on the slave trade have spoken plainly enough at the late session of parliament. Such being the state of things in Cuba, it does not seem to me very extraordinary or reproachful, that, throughout the United States, a handful of misguided young men should be found ready to join a party of foreigners, headed by a Spanish general, who was able to persuade them, not as you view it, 'by armed invasion to excite the obedient to revolt and

the tranquil to disturbance,' but, as they were led to believe, to aid an oppressed people in their struggle for freedom. There is no reason to doubt that there are, at this moment, as many persons, foreigners as well as natives, in England, who entertain these feelings and opinions as in the United States; and if Great Britain lay at a distance of one hundred and ten miles from Cuba, instead of thirty-five hundred, you might not, with all your repressive force, find it easy to prevent a small steamer, disguised as a trading vessel, from slipping off from an outpost in the night, on an unlawful enterprise. The expedition of General Torrijos, in 1831, as far as illegality is concerned, is the parallel of that of General Lopez. It was fitted out in the Thames, without interruption till the last moment, and though it then fell under the grasp of the police, its members succeeded in escaping to Spain, where, for some time, they found shelter at Gibraltar. It is declared, in the last number of the Quarterly Review, to be 'notorious, that associations have been formed in London for the subversion of dynasties with which England is at peace; that arms have been purchased and loans proposed; that "central committees" issue orders from England, and that Messrs. Mazzini and Kossuth have established and preside over boards of regency for the Roman States and Hungary, and for the promotion of revolution in every part of the world.' I have before me a list, purporting to be taken from a Prussian police gazette, of fifteen associations of continental refugees organized in London, and now in action, for the above-mentioned purposes. * * *

"Consider, too, the recent antecedents of the powers that invite us to disable ourselves to the end of time from the acquisition in any way of this natural appendage to our continent. France, within the present century, to say nothing of the acquisition of Louisiana, has wrested a moiety of Europe from its native

sovereigns; has possessed herself, by force of arms, and at the time greatly to the discontent of England, of six hundred miles of the northern coast of Africa, with an indefinite extension into the interior; and has appropriated to herself one of the most important insular groups of the Pacific. England, not to mention her other numerous recent acquisitions in every part of the globe, has, even since your despatch of the 16th February was written, annexed half of the Burman empire to her overgrown Indian possessions, on grounds — if the statements in Mr. Cobden's pamphlet are to be relied upon — compared with which the reasons assigned by Russia for invading Turkey are respectable.

"The United States do not require to be advised of 'the utility of those rules for the observance of international relations, which for centuries have been known to Europe by the name of the law of nations.' They are known and obeyed by us under the same venerable name. Certain circumstances in our history have caused them to be studied more generally and more anxiously here than in Europe. From the breaking out of the wars of the French revolution to the year 1812, the United States knew the law of nations only as the victims of its systematic violation by the great maritime powers of Europe. For these violations on the part of England, prior to 1794, indemnification was made under the seventh article of Jay's treaty. For similar injuries on the part of France, we were compelled to accept an illusory set-off, under the convention of 1800. A few years only elapsed, before a new warfare upon our neutral rights was commenced by the two powers. One hundred millions at least of American property were swept from the seas, under the British orders in council, and the French Berlin and Milan decrees. These orders and decrees were at the time reciprocally declared to be in contravention of the law of nations by the two powers





themselves, each speaking of the measures of the other party. In 1831, after the generation of the original sufferers had sunk under their ruined fortunes to the grave, France acknowledged her decrees to have been of that character, by a late and partial measure of indemnification. For our enormous losses under the British orders in council, we not only never received indemnification, but the sacrifices and sufferings of war were added to those spoliations on our commerce and invasion of our neutral rights which led to its declaration. Those orders were at the time regarded by the Lansdownes, the Barings, the Broughams, and the other enlightened statesmen of the school to which you belong, as a violation of right and justice as well as of sound policy; and within a very few years the present distinguished lord chief justice, placed by yourself at the head of the tribunals of England, has declared that 'the orders in council were grievously unjust to neutrals, and *it is now generally allowed, that they were contrary to the law of nations and our own municipal law!*'

"That I call, my Lord, to borrow your expression, 'a melancholy avowal' for the chief of the jurisprudence of a great empire, though highly creditable for the candor with which it is made. Acts of its sovereign authority, countenanced by its parliament, rigidly executed by its fleets on every sea, enforced in the courts of admiralty by a magistrate whose learning and eloquence are among the modern glories of England, persisted in till the lawful commerce of a neutral and kindred nation was annihilated, and pronounced, by the highest legal authority of the present day, contrary not merely to the law of nations, but your own municipal law!

"Under these circumstances, the government and people of the United States, who have never committed or sanctioned a violation of the law of nations against any other power, may well think it out of place, that they should

be instructed by an English minister in 'the utility of those rules which for centuries have been known to Europe by the name of the law of nations.' * * *

"You will not, I hope, misapprehend the spirit in which this letter is written. As an American citizen, I do not covet the acquisition of Cuba, either peaceably or by force of arms. When I cast my thoughts back upon our brief history as a nation, I certainly am not led to think that the United States have reached the final limits of their growth, or, what comes to very much the same thing, that representative government, religious equality, the trial by jury, the freedom of the press, and the other great attributes of our Anglo-Norman civilization are never to gain a further extension in this hemisphere. I regard the inquiry, under what political organization this extension is to take place, as a vain attempt to penetrate the inscrutable mysteries of the future. It will, if we are wise, be under the guidance of our example; I hope it will be in virtue of the peaceful arts, by which well-governed states extend themselves over unsettled or partially settled continents. My voice was heard at the first opportunity, in the senate of the United States, in favor of developing the almost boundless resources of the territory already in our possession, rather than seeking to enlarge it by aggressive wars. Still I cannot think it reasonable — hardly respectful — on the part of England and France, while they are daily extending themselves on every shore and in every sea, and pushing their dominions, by new conquests, to the uttermost ends of the earth, to call upon the United States to bind themselves, by a perpetual compact, never, under any circumstances, to admit into the Union an island which lies at their doors, and commands the entrance into the interior of their continent.

"I remain, my Lord, with the highest respect, faithfully yours,

"EDWARD EVERETT."

An event which caused considerable excitement, in the summer of 1853, was the seizure of Martin Koszta by the Austrian officials at Smyrna, and his subsequent release through the bold measures of Captain Ingraham, of the United States ship *St. Louis*. Koszta was an Hungarian by birth, who was one of the exiles from that country after its unsuccessful struggle for independence in 1848-9, and came to this country in 1850. After remaining here about two years he made declaration of his intention of becoming a citizen of the United States, and returned to Turkey on private business of a temporary character, claiming the protection of the government as a naturalized American citizen. While at Smyrna, and under the letter of safe conduct of the American consul, he was forcibly seized by some tools of the Austrian government, and carried on board an Austrian brig of war lying in the harbor, where he was confined in irons. The American consul at Smyrna and the American minister at Constantinople interfered in behalf of the prisoner, but without avail, and it had become known in Smyrna that there was a design on the part of the Austrians to convey him to Trieste, within the dominions of their emperor. But fortunately, just at that juncture, the United States ship *St. Louis*, Captain Ingraham, came into the harbor of Smyrna, and after making due inquiry into the state of affairs, Captain Ingraham took measures to secure the release of the prisoner, who claimed the protection of his flag. He found that there was evidence of bad faith on the part of the Austrians; for while he was inquiring into the justice of Koszta's claim to American protection, they were preparing to hurry him away clandestinely. He therefore placed his ship alongside of the Austrian brig, with his guns shotted, and fully prepared to enforce his demand that the prisoner should be given up by a certain hour. This bold position settled the matter. Koszta was delivered into the custody of the French consul-general, by

agreement, to await the settlement of the affair by the two governments, and he was subsequently released and returned to the United States. This affair was the subject of diplomatic correspondence between the Austrian minister, Chevalier Hulseman, and Mr. Marcy, in which the former, who had been before so completely overwhelmed by Mr. Webster, was again wholly discomfited. The purpose shown by the American government, to protect all who could claim American nationality, was hailed with pleasure throughout the country, and sent a thrill to many a heart among the liberals of Europe.

Another event of the year 1853, which may be worthy of chronicling, was the opening of a great "Exhibition of the Industry of all Nations," at the Crystal Palace in New York. This exhibition was of a similar character to the "World's Fair" in London two years before, though not on quite so extensive a scale. The "palace," however, was a handsome structure, and afforded accommodations for a very large exhibition. At the opening, the president of the United States with his cabinet, the earl of Ellesmere, Sir Charles Lyell, and other distinguished gentlemen from Europe, were present. It was an exhibition of very great interest, and during the several months that it was open was visited by thousands, and undoubtedly produced many good results by encouraging the sciences, fine arts, and mechanic arts of the country.

CHAPTER II.

Thirty-third Congress. — President's Message. — Sectional Agitation. — Kansas-Nebraska Bill. — Mr. Douglas. — Excitement on the Question. — Missouri Compromise. — Colonel Benton. — Mr. Douglas's Amendment adopted, and Missouri Compromise declared void. — Emigration to Kansas. — Emigrant Aid Societies. — Governors of Kansas and Nebraska. — Missouri Border War. — Election Frauds.

THE thirty-third Congress assembled in December, 1853. Senator Atchison, who, accord-

ing to custom, had been chosen president of the senate previous to the preceding 4th of March, occupied the chair made vacant by the death of Vice-President King, and Mr. Linn Boyd was chosen speaker of the house of representatives. President Pierce's message discussed at considerable length the various questions of foreign and domestic policy which concerned the country, taking in some instances positions quite opposed to those of the preceding administration, as was expected. On the subject of sectional agitation, which seemed to have subsided to a great extent, the president wrote as follows : —

“ It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the confederacy, and involving the constitutional rights of the states. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be

assured. The wisdom of men who knew what independence cost — who had put all at stake upon the issue of the revolutionary struggle — disposed of the subject to which I refer in the only way consistent with the union of these states, and with the march of power and prosperity which has made us what we are. It is a significant fact, that from the adoption of the constitution until the officers and soldiers of the revolution had passed to their graves, or, through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the constitutional rights of the states. The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation, but the spirit of the compact was regarded as sacred in the eye of honor, and indispensable for the great experiment of civil liberty, which, environed by inherent difficulties, was yet borne forward in apparent weakness by a power superior to all obstacles. There is no condemnation which the voice of freedom will not pronounce upon us, should we prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions, or entertain the same sentiments, than every variety of climate or soil can be expected to furnish the same agricultural products, they can unite in a common object and sustain common principles essential to the maintenance of that object. The gallant men of the south and the north could stand together during the struggle of the revolution ; they could stand together in the more trying moment which succeeded the clangor of arms. As their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding, upon a deep and broad basis, institutions which it has been our privilege to enjoy, and will ever be our most sacred

duty to sustain. It is but the feeble expression of a faith strong and universal, to say that their sons, whose blood mingled so often upon the same fields during the war of 1812, and who have more recently borne in triumph the flag of the country upon a foreign soil, will never permit alienation of feeling to weaken the power of their united efforts, nor internal dissensions to paralyze the great arm of freedom, uplifted for the vindication of self-government."

The hopes cherished by these sentiments, however, seemed doomed to a speedy disappointment. Early in the session sectional agitation was again aroused by the course of a leading member of the administration party. Mr. Douglas reported a bill to establish the territorial government of Nebraska, and subsequently a modified bill for the establishment of two territories, Nebraska and Kansas. That bill was designed to recognize the right of the people of the territory to settle the question of slavery for themselves, and it extended over the new territories the constitution and laws of the United States, "except the eighth section of the act for the admission of Missouri into the Union." That section provided that slavery should not exist in any new state or territory north of 36° 20' north, the southern boundary of Missouri. By this new bill that section which was known as the Missouri compromise was declared to have been "superseded by the principles of the legislation of 1850, commonly called the compromise measures." The purpose of this portion of the bill was more distinctly stated in a subsequent amendment offered by Mr. Douglas, to the effect that the Missouri compromise, being "inconsistent with the principles of non-intervention by Congress with slavery in the states and territories as recognized by the legislation of 1850, commonly called 'The Compromise Measures,' is hereby declared inoperative and void, it being the true intent and meaning of this act, not to legislate slavery into any territory or state, nor to ex-

clude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

Then commenced a sectional storm more serious than any which had preceded it. It followed close upon the declarations of President Pierce that the harmony of the states should not be disturbed. In its inception, however, the Kansas act was not an administration measure; but in the course of events the administration became committed to its support, as a party measure. The bill was strenuously opposed in Congress, and as earnestly supported, for several months before it finally passed. Senators Chase of Ohio and Sumner of Massachusetts, with several members of the house of representatives, issued an address to the country, denouncing the measure in the strongest terms, "as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the old world, and free laborers from our own states, and to convert it into a dreary region of despotism, inhabited by masters and slaves." Counter addresses and speeches were also circulated, especially at the south. The public mind throughout the country soon became aroused to the importance of the measure, and inflamed with the feelings which naturally grew out of a discussion of this kind. The argument, common to most of the opponents of the bill, that the repeal of the Missouri compromise was a breach of faith on the part of the slave states, a violation of a sacred compact, was pressed with great vigor and ability, both in and out of Congress; a very large number of the members of both houses speaking upon the subject, and the press being filled with heated discussion.

But arguments and discussion did not avail much. The men who had made the compro-

mise, and who had looked upon it in the light of a compact, had for the most part passed away, and those now upon the stage regarded it only as an expedient of the time when it was adopted. There were some, however, who still regarded the Missouri compromise — what it really was intended to be — as a law of more than ordinary force, and as, in truth, a solemn compact between the free and the slave states. Among these was Colonel Benton, who had entered public life at the time of the compromise, and who still adhered to it as one of the three great measures by which the Union had been formed and its harmony preserved, — the first being the ordinance of 1787, and the second the federal constitution. Colonel Benton, now a member of the house of representatives, and nearly or quite the last of the generation of statesmen which succeeded the men of the revolution, protested ably against the passage of the act. But neither his earnestness nor the eloquence of others could stay the current which carried the administration party and southern Whigs for the new measure. The amendment offered by Mr. Douglas, which declared the Missouri compromise inoperative and void, was adopted in the senate by a vote of thirty-five to nine, and the bill subsequently passed by a vote of thirty-seven to fourteen. Later in the session the bill, with an amendment allowing aliens to vote, was passed by the house by a vote of one hundred and thirteen to one hundred, but not till after a most determined struggle against it, and on one occasion a session of thirty-six consecutive hours, during which the minority availed themselves of all possible parliamentary tactics to prevent the passage of the bill without a full opportunity for debate. The majority were obliged to yield on that point, but they also resorted to similar means to prevent amendments, and to secure the passage of the bill in the desired form. The senate, after some debate, agreed to the amended bill, and so the

new policy with regard to the territories was inaugurated. From this time the new territory of Kansas became the centre of interest in political affairs. It was the border ground on which the policy or principle of “popular sovereignty” was to be tested. By the Missouri compromise slavery had been excluded from it, although alongside of Missouri. Now it was open for a struggle between the free state and slave state settlers.

While the Kansas and Nebraska bill was being debated in Congress and exercising the public mind throughout the country, as a matter of course preparations were made for emigrating to the new territories. Parties of emigrants were organized in many of the western states, and were ready to enter the territories so soon as spring should permit. At this time, too, in view of the increased emigration — already immense — from the Atlantic states to the west, emigrant aid societies were formed. The first of these societies was formed in Massachusetts, and this was soon followed by others in Connecticut, New York, and other states. The object was to assist emigrants by reducing their travelling expenses, protecting them from imposition, and advising them with regard to the location of their claims, etc. This was done by organizing companies of emigrants, who were conducted by agents of the aid societies. Unquestionably the emigrant aid societies directed their attention, more particularly to the settlement of Kansas with free state settlers, and were the offspring of the new policy, which, in truth, invited to a race between the northern and southern emigrants. The organization of the societies at the north led to similar movements in the slave states, where emigration was organized to some extent on the principle ascribed to the northern societies — that of forcing their institutions upon the new territories.

Soon after the passage of the act, Francis Burt, of South Carolina, was appointed the first

governor of Nebraska, and A. H. Reeder, of Pennsylvania, the first governor of Kansas. The governments were duly organized, and the contest, which had raged at the Capitol, was transferred to the new territories. Nebraska, the more northern and less attractive of the two, at first received the tide of emigration from the free states; but the more inviting plains and climate of Kansas, with the prospect of making it a free state, and perhaps love of adventure, induced many who had first gone to Nebraska to proceed to Kansas. Soon it became apparent that Kansas would be the scene of the struggle between free and slave labor, and emigrants went there as well from political reasons as on account of its greater natural advantages.

But before the tide of emigration had begun to flow from the older states, citizens of Missouri, residing along the border of that state, entered Kansas, took claims, held meetings in which they took action as settlers in the new territory, and in favor of establishing slavery there, and then returned to their homes, leaving a few men to take care of their interests. These acts on the part of citizens of Missouri were by no means few or limited, and possessing the advantages of neighborhood, and, in many cases, of influence at Washington, they were enabled to set up their claims to many of the most valuable tracts of land in the territory, as soon as treaties with the Indians had opened them to the white settlers.

Governor Reeder arrived in Kansas in October, 1854. In the following month an election was held for the choice of a delegate to Congress. At this election a large number of the people of the border counties in Missouri went over the boundary and voted at the various precincts. Mr. Whitfield, a gentleman nominated in Missouri, was elected, and it appeared at a subsequent investigation by a committee in Congress, that the illegal votes from Missouri considerably exceeded the whole number of

legal votes of the territory. The proceedings at this election served to exasperate the free state settlers and their friends in the states, and the animosities of the conflicting parties in Kansas and throughout the country became more and more aroused as charges and recriminations followed. And thus the settlers entered upon their first winter in Kansas, subjected to the rigors of a civil contest as well as of the season.

CHAPTER III.

Mexican Boundary. — Gadsden Treaty. — Relations with Spain. — Black Warrior Affair. — Scheme for Annexation of Cuba. — Fillibustering Expedition. — Mr. Soulé, Minister to Spain. — His Course. — Ostend Conference. — Reciprocity Treaty with Great Britain. — Presidential Vetoes. — Results of Expedition to Japan. — Treaty. — Central American Affairs. — Bombardment of Greytown. — Southern Commercial Convention. — Supposed Schemes to extend Slavery. — Party Changes. — "Know Nothings."

THE boundary line between the United States and Mexico had not, up to the first session of the thirty-third Congress, (1853-4,) been settled satisfactorily, under the treaty of Guadalupe Hidalgo. There had been a difference of opinion between the commissioner and surveyor on the part of the United States, with regard to the initial point on the Rio Grande, the former fixing it considerably farther north than the latter. This was considered a mistake by the government, and the Mexicans taking a still more northern boundary, a dispute arose upon this and some other matters between the two governments. The minister appointed to Mexico by President Pierce, Mr. Gadsden, had received special instructions, with a view to a settlement of the matters in dispute. He succeeded in negotiating a treaty which added a large territory to the United States. The treaty as negotiated was very much modified by the senate when submitted to that body; the area of territory to be annexed to the

United States being diminished, and the sum to be paid by the United States for this territory, and in consideration of being released from the obligation to protect the Mexican frontier from the Indians, being reduced to ten million dollars instead of twenty million dollars.

The boundary between the two republics, retaining the old line between the two Californias, was established by this treaty as follows: "Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in said article up the middle of that river to the point where the parallel of $31^{\circ} 47'$ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of $31^{\circ} 20'$ north latitude; thence along the said parallel of $31^{\circ} 20'$ to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of said River Colorado until it intersects the present line between the United States and Mexico." This line added to the United States a territory much exceeding many of the Atlantic states in area, and subsequently, the inhabitants thereof petitioned that it might be set off from New Mexico and erected into a new territory under the name of Arizona. The request, however, was not granted, on the ground that the population was so small there was no necessity for a new territorial government. This treaty also partially conceded a grant for a railroad route across the Isthmus of Tehuantepec, made provision for the payment of claims, and secured other privileges to the citizens of the United States. The treaty, however, even in its modified form, and the bill appropriating the ten million dollars to carry it into effect, were not passed without considerable debate.

The relations between the United States and

Spain were somewhat disturbed, in the spring of 1854, by a new difficulty at Havana. The steamer *Black Warrior*, on her way from New Orleans to New York, touched as usual at Havana to leave and receive passengers. This steamer had previously aroused some suspicions, probably without much cause, on the part of the Cuban authorities, and on this occasion, finding some cotton on board, although her manifest certified she had no cargo, they declared the cargo confiscated. The owners represented that it was not usual to name in the manifest any cargo not intended for Havana, and that this case had only been according to repeated precedents. They also claimed the right of twelve days' time to correct any error in the manifest; but this was refused, and the commander of the steamer hauled down his flag and abandoned the vessel to the Spanish authorities. This affair at once aroused the indignation of the people of the United States, and in the Southern States the excitement was intense for a time. It was demanded that the neutrality laws should be suspended, so far as Spain was concerned; and had such action been taken, an overwhelming force of volunteers would soon have been organized to make a descent upon Cuba. Some very strong speeches were made in Congress in favor of this or any other mode of seizing Cuba, and thus removing at once the source of many troubles. But Congress was occupied much with the important domestic questions which agitated the country, and did not act in haste. Some time after the occurrence of the *Black Warrior* affair, Senator Sli-dell, of Louisiana, introduced a resolution authorizing the president to suspend the operation of the neutrality laws, so far as Spain is concerned, whenever in his judgment such a measure should be expedient. This resolution, supported as it was by a speech, which expressed strong sentiments against the supposed attempts of France and England to secure the

abolition of slavery in Cuba, and in favor of annexing the island to the United States, excited no little attention, both at home and abroad, especially as at this time Mr. Soulé was pressing our demands for redress against the government at Madrid, and probably with some vehemence. The resolution was referred to the committee on foreign relations; but before any action was taken upon the subject, lawless men in some parts of the country were preparing to carry out the idea which Mr. Slidell's resolution suggested, and the president was obliged to issue a proclamation against the attempts which were being made to organize and fit out "a military expedition for the invasion of Cuba." This proclamation, and the instructions given to the civil and military officers, together, perhaps, with the remembrance of the fate of Lopez, had the effect to prevent another foolhardy descent upon the coveted island. But it was still hoped by some that the relations between the two governments would become so unfriendly, that such attempts would soon not only not be forbidden, but encouraged. Such a hope, perhaps, received some encouragement from the character and known sentiments of Mr. Soulé, the American minister at Madrid. Prior to his departure from the United States he addressed a company of Cuban exiles in New York, when he expressed himself in the strongest terms of sympathy with their cause, and avowed himself in favor of annexing Cuba, and of doing every thing in his power which became the dignity of the United States to secure the result desired. At Madrid, Mr. Soulé pressed the American claims for indemnity with much warmth, and was charged with rendering himself obnoxious in other ways to the Spanish government. He also had a serious misunderstanding with the secretary of the legation, which did not in its *exposé* add much to the credit of American diplomacy at the court of Madrid. After a visit to England, the French government pro-

hibited him from entering France, having, it was said, taken offence at some of his acts which expressed sympathy with revolutionary schemes. This prohibition was the cause of some diplomatic correspondence, and the order was subsequently modified so as to permit Mr. Soulé to pass through France, but not to make any sojourn there. It was hoped on the one hand, and feared on the other, that the mission of such a diplomatist at Madrid would precipitate matters so as to lead to the acquisition of Cuba, either by conquest or purchase. But such a result was not brought about at this time.

It appears, however, that the subject of the acquisition of Cuba was seriously entertained by the administration; and while Mr. Soulé was envoy to Spain, a conference was held between Mr. Buchanan, envoy to England, Mr. Mason, envoy to France, and Mr. Soulé, pursuant to certain confidential instructions sent to them by the administration. This conference, known as the "Ostend conference," was held at Ostend, in Belgium, and subsequently at Aix-la-Chapelle, in Prussia. The various subjects of difficulty between the United States and Spain relative to Cuba were considered, and the result appears in the following despatch to the secretary of state, signed by the several ministers above named. This document proposed and advocated the acquisition of Cuba. The internal condition of the country, however, appears to have prevented any earnest attempt to carry out the proposition, even if the administration was ready to assume the responsibility of such a measure.

Mr. Soulé to Mr. Marcy.

"UNITED STATES LEGATION TO SPAIN, }
LONDON, October 20, 1854. }

"SIR: Herewith I have the honor to transmit to you a joint communication from Mr. Buchanan, Mr. Mason, and myself, embodying the result of our deliberations on the subject about which we had been desired to confer together.

"The issues, with reference to which we were instructed to express our judgment, were of too momentous an import not to tax all the discernment and discretion in our power; and it was with a deep sense of solemn responsibility that we entered upon the duties which had been assigned to us.

"May we have accomplished our task in a manner not unworthy of the great object for which it was conferred on us!

"My colleagues have had a full view of the difficulties and dangers which the question presents; and you will see that they have not hesitated to join me in the expression of sentiments according strikingly with the intimations repeatedly thrown out in your despatches to me.

"I do not know if we shall be found sufficiently explicit in the language through which we have attempted to convey our impressions; I trust, however, that it will be found sufficiently free from ambiguity to leave no room even for a doubt as to its true meaning.

"The question of the acquisition of Cuba by us is gaining ground as it grows to be more seriously agitated and considered. Now is the moment for us to be done with it; for if we delay its solution, we will certainly repent that we let escape the fairest opportunity we could ever be furnished with of bringing it to a decisive test.

"Present indications would seem to encourage the hope that we may come to that solution peaceably.

"But if it were otherwise — if it is to bring upon us the calamity of a war — let it be now, while the great powers of this continent are engaged in that stupendous struggle which cannot but engage all their strength, and tax all their energies, as long as it lasts, and may, before it ends, convulse them all.

"Neither England nor France would be likely to interfere with us.

"England could not bear to be suddenly shut out of our market; and see her manufactures paralyzed, even by a temporary suspension of her intercourse with us.

"And France, with the heavy task now on her hands, and when she so eagerly aspires to take her seat as the acknowledged chief of the European family, would have no inducement to assume the burden of another war, nor any motive to repine at seeing that we took in our keeping the destinies of the new world, as she will soon have those of the old.

"I close this despatch in haste, as I have no time left me to carry it further.

"Mr. McRae leaves for Liverpool within a few minutes. I intrust to him details which could not have easily found a place here, nor in the other despatch. He will impart to you what of my mind I am not able to pour out in these lines.

"Respectfully yours,

"PIERRE SOULÉ.

"Hon. WILLIAM L. MARCY, *Secretary of State, &c.*"

Joint Communication from Mr. Buchanan, Mr. Mason, and Mr. Soulé.

"AIX-LA-CHAPELLE, October 18, 1854.

"SIR: The undersigned, in compliance with the wish expressed by the president in the several confidential despatches you have addressed to us, respectively, to that effect, have met, in conference, first at Ostend, in Belgium, on the 9th, 10th, and 11th inst., and then at Aix-la-Chapelle, in Prussia, on the days next following, up to the date hereof.

"There has been a full and unreserved interchange of views and sentiments between us, which we are most happy to inform you has resulted in a cordial coincidence of opinion on the grave and important subjects submitted to our consideration.

"We have arrived at the conclusion, and are thoroughly convinced, that an immediate and earnest effort ought to be made by the govern-

ment of the United States to purchase Cuba from Spain at any price for which it can be obtained, not exceeding the sum of dollars.

"The proposal should, in our opinion, be made in such a manner as to be presented through the necessary diplomatic forms to the Supreme Constituent Cortes about to assemble. On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the world.

"We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale, as those of the United States in the purchase, of the island, and that the transaction will prove equally honorable to both nations.

"Under these circumstances we cannot anticipate a failure, unless possibly through the malign influence of foreign powers who possess no right whatever to interfere in the matter.

"We proceed to state some of the reasons which have brought us to this conclusion, and, for the sake of clearness, we shall specify them under two distinct heads:—

"1. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

"2. The probability is great that the government and Cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

"Then, 1. It must be clear to every reflecting mind that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of states of which the Union is the providential nursery.

"From its locality it commands the mouth of the Mississippi, and the immense and annually increasing trade which must seek this avenue to the ocean.

"On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

"The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific states, can never be secure, but must ever be endangered, whilst Cuba is a dependency of a distant power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

"Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

"Its immediate acquisition by our government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants.

"The intercourse which its proximity to our coasts begets and encourages between them and the citizens of the United States, has, in the progress of time, so united their interests and blended their fortunes, that they now look upon each other as if they were one people, and had but one destiny.

"Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States.

"The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at every moment which may result in direful consequences to the American people.

"Cuba has thus become to us an unceasing

danger, and a permanent cause of anxiety and alarm.

"But we need not enlarge on these topics. It can scarcely be apprehended that foreign powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the island. Its inhabitants are now suffering under the worst of all possible governments — that of absolute despotism, delegated by a distant power to irresponsible agents, who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

"As long as this system shall endure, humanity may in vain demand the suppression of the African slave trade in the island. This is rendered impossible whilst that infamous traffic remains an irresistible temptation and a source of immense profit to needy and avaricious officials, who, to attain their ends, scruple not to trample the most sacred principles under foot.

"The Spanish government at home may be well disposed, but experience has proved that it cannot control these remote depositaries of its power.

"Besides, the commercial nations of the world cannot fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connection between Spain and Cuba, and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character, and rapidly extend with the increasing population and prosperity of the island.

"2. But if the United States, and every commercial nation, would be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted.

"She cannot but see what such a sum of money as we are willing to pay for the island

would effect in the development of her vast natural resources.

"Two thirds of this sum, if employed in the construction of a system of railroads, would ultimately prove a source of greater wealth to the Spanish people than that opened to their vision by Cortez. Their prosperity would date from the ratification of the treaty of cession.

"France has already constructed continuous lines of railways from Havre, Marseilles, Valenciennes, and Strasbourg, *via* Paris, to the Spanish frontier, and anxiously awaits the day when Spain shall find herself in a condition to extend these roads through her northern provinces to Madrid, Seville, Cadiz, Malaga, and the frontiers of Portugal.

"This object once accomplished, Spain would become a centre of attraction for the travelling world, and secure a permanent and profitable market for her various productions. Her fields, under the stimulus given to industry by remunerating prices, would teem with cereal grain, and her vineyards would bring forth a vastly increased quantity of choice wines. Spain would speedily become, what a bountiful Providence intended she should be, one of the first nations of continental Europe — rich, powerful, and contented.

"Whilst two thirds of the price of the island would be ample for the completion of her most important public improvements, she might, with the remaining forty millions, satisfy the demands now pressing so heavily upon her credit, and create a sinking fund which would gradually relieve her from the overwhelming debt now paralyzing her energies.

"Such is her present wretched financial condition, that her best bonds are sold upon her own Bourse at about one third of their par value; whilst another class, on which she pays no interest, have but a nominal value, and are quoted at about one sixth of the amount for which they were issued. Besides, these latter are held principally by British creditors, who

may, from day to day, obtain the effective interposition of their own government for the purpose of coercing payment. Intimations to that effect have been already thrown out from high quarters, and unless some new source of revenue shall enable Spain to provide for such exigencies, it is not improbable that they may be realized.

"Should Spain reject the present golden opportunity for developing her resources, and removing her financial embarrassments, it may never again return.

"Cuba, in its palmiest days, never yielded her exchequer, after deducting the expenses of its government, a clear annual income of more than a million and a half of dollars. These expenses have increased to such a degree as to leave a deficit chargeable on the treasury of Spain to the amount of six hundred thousand dollars.

"In a pecuniary point of view, therefore, the island is an encumbrance, instead of a source of profit, to the mother country.

"Under no probable circumstances can Cuba ever yield to Spain one per cent. on the large amount which the United States are willing to pay for its acquisition. But Spain is in imminent danger of losing Cuba, without remuneration.

"Extreme oppression, it is now universally admitted, justifies any people in endeavoring to relieve themselves from the yoke of their oppressors. The sufferings which the corrupt, arbitrary, and unrelenting local administration necessarily entails upon the inhabitants of Cuba, cannot fail to stimulate and keep alive that spirit of resistance and revolution against Spain, which has, of late years, been so often manifested. In this condition of affairs it is vain to expect that the sympathies of the people of the United States will not be warmly enlisted in favor of their oppressed neighbors.

"We know that the president is justly inflexible in his determination to execute the neu-

trality laws; but should the Cubans themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States and liberal-minded men of other countries from rushing to their assistance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world.

"It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and the price which we are now willing to pay for it — a price far beyond what was ever paid by one people to another for any province.

"It may also be remarked that the settlement of this vexed question, by the cession of Cuba to the United States, would forever prevent the dangerous complications between nations, to which it may otherwise give birth.

"It is certain that, should the Cubans themselves organize an insurrection against the Spanish government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and government of the United States from taking part in such a civil war in support of their neighbors and friends.

"But if Spain, deaf to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances?

"Self-preservation is the first law of nature, with states as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland, and other similar cases which history records, yet the principle itself, though often abused, has always been recognized.

"The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent state, who desired to blend their destinies with our own.

"Even our acquisitions from Mexico are no exception to this rule, because, although we might have claimed them by the right of conquest in a just war, yet we purchased them for what was then considered by both parties a full and ample equivalent.

"Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

"Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

"After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

"Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home.

"Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure. We should, however, be recreant to

our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

"We fear that the course and current of events are rapidly tending towards such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst.

"We also forbear to investigate the present condition of the questions at issue between the United States and Spain. A long series of injuries to our people have been committed in Cuba by Spanish officials, and are unredressed. But recently a most flagrant outrage on the rights of American citizens and on the flag of the United States was perpetrated in the harbor of Havana, under circumstances which, without immediate redress, would have justified a resort to measures of war in vindication of national honor. That outrage is not only unatoned, but the Spanish government has deliberately sanctioned the acts of its subordinates, and assumed the responsibility attaching to them.

"Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed than the circumstances of that case. Situated as Spain and the United States are, the latter have forborne to resort to extreme measures.

"But this course cannot, with due regard to their own dignity as an independent nation, continue; and our recommendations, now submitted, are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those sug-

gested, is the only effective mode of settling all past differences, and of securing the two countries against future collisions.

"We have already witnessed the happy results for both countries which followed a similar arrangement in regard to Florida.

"Yours, very respectfully,

"JAMES BUCHANAN,

"J. Y. MASON,

"PIERRE SOULÉ.

"HON. WILLIAM L. MARCY, *Secretary of State.*"

During this year (1854) another treaty was negotiated between the United States and Great Britain, providing for commercial reciprocity between the states and the British provinces. This treaty opened the British fisheries, with the exception of those of Newfoundland, to American fishermen, and gave the British fishermen a right to participate in American fisheries as far as the thirty-sixth degree of north latitude. It also provided for free commerce between the provinces and the United States, in flour, breadstuffs, fruits, fish, lumber, animals, and many other articles in an unmanufactured state. Further provisions were made for free navigation of rivers, and an effort towards a reciprocal opening of canals. This treaty was required to be ratified by the several provincial legislatures, which was promptly done, and the requisite steps were taken to carry out its provisions. Advantages were reaped on both sides, but it has generally been considered that, from the nature of the case, the British provinces have been the greatest gainers. Nevertheless, at a much more recent date, they have proposed to lay a tariff on many articles received through the United States under the reciprocity treaty, with a view of encouraging the commerce of their own ports. This policy, if carried out, of course ends the reciprocity so far, and may lead to an abrogation of the treaty entirely.

Among the acts passed by the thirty-third

Congress, at its first session, was one granting ten million acres of the public lands to the several states for the benefit of the indigent insane. This bill was vetoed by the president, who expressed at length his objections to its provisions. He denied that the constitution conferred any power on the general government to make such appropriations, and considered that it would be a dangerous precedent, and would lead to a reversal of the true theory of the government. He feared, moreover, that if Congress were thus to assume the offices of charity which properly belong to the local authorities, the several states, instead of relying on their own resources for such objects, would become suppliants for the bounty of the federal government, and that the fountains of charity would thus be dried up at home. He objected, further, that the public lands are held for the common benefit of the several states, and that they are also pledged for the payment of certain portions of the public debt. He therefore was opposed to the principle of the bill, both on the ground of right and expediency.

Another bill which passed through both houses of Congress was one making appropriations for the repair, preservation, and completion of certain public works of internal improvement. This bill, which passed at the close of the session, was also vetoed by the president, but he did not give his reasons for so doing until the next session, when he sent a message to Congress on this subject. In this message the president expressed his strong opposition to any internal improvements by the federal government, and his vetoes showed that he was disposed to adhere to a strict construction of the powers of Congress to make appropriations for any thing beyond the wants of the government.

The expedition to Japan, under Commodore Perry, which had sailed in 1852, for the purpose of attempting to open that country to

American commerce, as mentioned in a preceding book, (page 533,) succeeded in accomplishing its purpose. Commodore Perry arrived in the Japanese waters, with quite a formidable squadron, in the summer of 1853, when, with much formality, for the purpose of impressing the Japanese, he delivered the president's letter to officers appointed to receive it. Having done this he left, with the declaration that he should return for a reply, and to accomplish his mission by negotiating a treaty. The next winter he accordingly returned to the Bay of Yedo with his squadron, and met certain Japanese commissioners who were appointed to confer with him. He then received an answer from the imperial government in reply to the president's letter, and subsequently (March 31, 1854) negotiated a treaty of amity, which was the first step towards opening this hitherto secluded country to the western nations. The following is the reply to the president's letter, which is important as being the first step on the part of the Japanese government towards acceding to the wishes of "outside" nations:—

Translation of Answer to the Letter of the President to the Emperor of Japan.

"The return of your excellency as ambassador of the United States to this empire has been expected, according to the letter of his majesty the president, which letter your excellency delivered last year to his majesty the emperor of this empire.

"It is quite impossible to give satisfactory answers at once to all the proposals of your government, as it is most positively forbidden by the laws of our imperial ancestors; but for us to continue attached to the ancient laws, seems to misunderstand the spirit of the age; however, we are governed now by imperative necessity.

"At the visit of your excellency last year to this empire, his majesty, the former emperor,

was sick, and is now dead. Subsequently, his majesty, the present emperor, ascended the throne; the many occupations in consequence thereof are not yet finished, and there is no time to settle other business thoroughly. Moreover, his majesty, the new emperor, at the accession to the throne, promised to the princes and high officers of the empire to observe the laws. It is therefore evident that he cannot now bring about any alteration in the ancient laws.

"Last autumn, at the departure of the Dutch ship, the superintendent of the Dutch trade in Japan was requested to inform your government of this event, and a reply in writing has been received.

"At Nagasaki arrived recently the Russian ambassador to communicate a wish of his government. He has since left the said place, because no answer would be given to any nation that might communicate similar wishes. However, we admit the urgency of, and shall entirely comply with, the proposals of your government concerning wood, water, provisions, and the saving of ships and their crews in distress. After being informed which harbor your excellency selects, the harbor shall be prepared; which preparation, it is estimated, will take about five years. Meanwhile, a commencement can be made with the coal at Nagasaki by the next Japanese first month, (Sio-goots) [16th of February, 1855.]

"Having no precedent with respect to coal, we request your excellency to furnish us with an estimate, and, upon due consideration, this will be complied with, if not in opposition to our laws. What do you understand by provisions, and how much coal?

"Finally, any thing ships may be in want of, that can be furnished from the productions of this empire, shall be supplied; the prices of merchandise and articles of barter to be fixed by Kurakawa Kahei and Morgama Yenoske.

After settling the points before mentioned, the treaty can be concluded and signed at the next interview.

"Seals attached by order of the high gentlemen.
MORGAMA YENOSKE."

The treaty was negotiated on the basis of the treaty between the United States and China. It opened certain ports in Japan, to a certain extent, for American vessels, and secured to Americans certain privileges not previously enjoyed by any foreigners in the way of obtaining supplies of provisions, water, and coal. Although no great advantages were to be derived immediately from this treaty, it is probably the foundation of increasing and important benefits in the future. Russia, France, and England, encouraged by the success of the American expedition, followed in the same course, and negotiated similar treaties. More recently, important concessions have been obtained by new treaty engagements negotiated by Mr. Townsend Harris, the United States consul and diplomatic agent in Japan, who has also aided the English in securing a favorable treaty.

A less satisfactory expedition was that of the United States ship *Cyane*, which the government considered it necessary to send to San Juan del Norte, or Greytown, in Nicaragua, to punish the inhabitants or rulers for certain offences against the property and rights of the "Transit Company"—a company composed of Americans, but organized under authority from the Nicaraguan government, for the transportation of passengers across the isthmus. In anticipation of the establishment of this route, a considerable number of adventurers had settled in the old Spanish town at the mouth of the River San Juan, and at first claiming allegiance to the pretended sovereign of the Mosquito territory, afterwards assumed an independent position. They claimed juris-

isdiction over Punta Arenas, a place on the opposite side of the river, where the depot of the Transit Company was located, and which was held by a title from the Nicaraguan government. The company resisted the claim, and thereupon a petty warfare and robbery was commenced by the people, and, perhaps, by the authorities of Greytown, as the town was now called. These things had proceeded to such a pass, that the interposition of the government was deemed necessary to protect the lives and property of American citizens. There appeared, however, to be a difficulty in dealing with this affair, as the people of Greytown held no allegiance to any established government of which the United States could claim indemnity for losses or security in the future. They stood before the world as it were upon "sufferance," and were regarded by the United States government as a band of marauders, to be treated as outlaws. Whether this conclusion was just, we cannot here decide; but acting on this judgment, the government sent the sloop-of-war *Cyane* to support a demand that the people of Greytown should repair the injuries done to the citizens of the United States, and make apology for an insult which they had offered to the United States minister to Nicaragua. The demand was made, and the commander of the *Cyane* made every exertion to obtain an adjustment, without resorting to extreme measures; but his efforts failed. He then took measures to guard against a loss of life, and bombarded the town, almost or wholly destroying its buildings, and a considerable amount of property. This transaction was the subject of complaint on the part of some foreign powers, the property of whose subjects, it was alleged, was destroyed by the bombardment. These complaints, however, were satisfactorily disposed of by Mr. Marcy, who argued that the people, or authorities of Greytown, were the parties liable for the losses.

The assembling of a convention of delegates from several of the southern states, at Charleston, in April, 1854, is an event which should be recorded, rather on account of the expectations of those interested, than of any important results which have as yet followed. It was held for the purpose of devising measures to promote the interests and independence of the slaveholding section of the Union. The project of a railroad to the Pacific by a southern route was the principal topic of discussion, and the opinion of the convention was that such a road ought to be constructed by the Southern States. Resolutions were also adopted in favor of acquiring the right to navigate the River Amazon, of promoting manufactures in the south, and of opening direct commercial intercourse with Europe; the object of all being to make the Southern States independent of the Northern States. Since that time several similar conventions have been held for the same purpose, and various interests of the Southern States have been discussed, even to a reopening of the slave trade. The conventions have all passed resolutions in favor of measures to promote the prosperity and independence of the slaveholding states, but the practical results have not been very manifest.

It was perhaps the language used in the Charleston convention, as well as by the southern press, together with the Cuban invasions which were known to be attempted, and other events of the year, and the recent repeal of the Missouri compromise, that induced the opponents of the latter measure in Congress, in a protest which they issued subsequent to its passage, to ascribe that passage to a scheme which "looked to a wider extension of slavery — to the annexation of Cuba and portions of Mexico at any cost, whether of money or blood — to a war with England, France, and Spain, and an alliance with Russia — to the immediate annexation of the eastern portion of St. Domingo, with a view to the ultimate conquest of

the whole island — to an alliance with Brazil, and the extension of slavery in the valley of the Amazon — and, finally, to the withdrawal of the slaveholding states from the Union, and the establishment of a separate empire in the central regions of the continent." This protest was assailed with ridicule and severity by representatives of the Southern States. Whether such schemes were widely considered or not, the results have not been altogether realized, though it is by no means improbable that some such designs really occupied the minds of a few.

The year 1854 was a memorable one in the history of parties in the United States, and some most unexpected revolutions took place, in which a new party, popularly styled "Know Nothings," succeeded to the power held by the Whigs or Democrats in different states and cities. Ten or twelve years before this, a strong sentiment of opposition to political action by persons of foreign birth had grown up, especially in some of the large cities. This feeling led to some serious collisions between native citizens and foreigners, and riot and bloodshed followed. A Native American party was organized, and in some places, as in Philadelphia, partially succeeded for a time. But issues of more general interest to the country, and of more pressing consequence, overshadowed this question, which affected directly only portions of the country, and the Native American party gradually resolved into its original elements. But the elements still existed, and it seems that it was only necessary that an opportunity should offer for them to be more effectually organized. The decay and dissolution of one of the great parties of the country — the Whigs — in consequence of its defeat in the presidential election of 1852, and the rise of questions on which it was divided, offered an opportunity for such a reorganization of the Native American party, and it was improved in a most remarkable manner. One or more secret orders of Americans already existed, and

it was upon the basis of such secret societies that the new party was built up. Its cardinal principles were Americanism and Protestantism — that “Americans shall rule America,” and that this rule should exclude the influence of any other power, political or ecclesiastical. It was not difficult to find supporters among a people who really cherished both these sentiments at heart; and when, too, the indefinable charm of secrecy was thrown over the movement it succeeded beyond all precedent. It was essentially democratic in some respects, and despotic and aristocratic in others; in the former character it appealed to the middling interest and laboring portion of the community, while in the latter it was enabled to carry forward its purposes more effectually. The organization, once fairly begun, extended very rapidly over almost the whole country. Its strength was known only to the members of the party, and so secretly were its operations carried on, that the other political parties knew but little about it, except that it existed and was rumored to be strong in numbers. The party first made itself felt at municipal elections in several of the states, where it triumphed in a manner which overwhelmed its opponents with surprise and consternation. In the state elections it next appeared, and carried several of the states in a manner equally surprising, and in some instances with unprecedented majorities. It is to be regretted that the peaceful contest of the ballot-box was in some cases attended with riot and bloodshed.

Although this new American party was composed, in part, of those who had before acted with the Democratic party, the mass of it would appear to have been those who had previously acted with the Whigs, and, in some of the states, with the Free-soil party. Its position, therefore, on the slavery question, was adverse to that of the Democratic party, and, in some parts of the Union, the party was fully committed to strong “Free-soil” sentiments. The

general result of the elections in 1854–55 was the choice of a small majority of American and Free-soil or Republican members of the house of representatives in the next Congress, as well as of state officers. The Whigs who had supported the repeal of the Missouri compromise passed at once, or by degrees, into the Democratic party, and the old Whig party, as such, lost its organization, and almost entirely disappeared from the political field.

CHAPTER IV.

Thirty-third Congress, second Session. — Financial Prosperity. — Honor to General Scott. — Presidential Vetoes. — French Spoliation Bill. — American Diplomacy in Europe. — Kinney’s Expedition to Central America. — Kansas. — Population. — Election Frauds and Violence. — Governor Reeder. — Course of the Legislature. — Code of Laws. — Removal of Governor Reeder. — Governor Shannon. — Delegate to Congress. — Topeka Convention. — Leavenworth Convention. — Exasperation and Collisions among Settlers. — Invasion from Missouri. — Danish Sound Dues. — Dr. Kane’s Arctic Expedition. — Return of the Resolute.

WHILE parties were yet in a transition state, the second session of the thirty-third Congress was held. Whatever the condition of affairs in the United States in other respects, at this time, its finances were in a flourishing state. The president’s message stated that the available resources for the year were nearly ninety-five millions five hundred thousand dollars; the ordinary expenditures, fifty-one millions eighteen thousand two hundred and forty-nine dollars; payment on the public debt, twenty-four millions three hundred and thirty-six thousand three hundred and eighty dollars; leaving a balance in the treasury of twenty millions one hundred and thirty-seven thousand nine hundred and sixty-seven dollars. The public debt remaining unpaid was about forty-five millions dollars, payable at different periods within fourteen years. The receipts from the tariff continued to be so large that, when possible,

the public debt had been redeemed in advance of its maturity, and the prospective income promised to exceed, by many millions, the wants of an economical administration of the government—an embarrassment which nations do not often experience.

The proceedings of Congress at this session do not require special mention. There were, in the debates, occasional discussions of some warmth in relation to the repeal of the Missouri compromise, and the condition of affairs in Kansas; but the state of parties in the country was so changed from the previous year, and so unsettled, that quiet generally prevailed, and no measure, involving the principles in which so much interest was felt, was brought in to renew and continue the agitation.

Among the measures adopted was one which paid a well-deserved honor to that distinguished soldier, General Winfield Scott. A joint resolution was passed by Congress, authorizing the president to confer the title of lieutenant-general by brevet, in a single instance, for distinguished services. This title was conferred on General Scott, whom Congress and the nation intended to be thus justly honored. The title took effect from the time of the close of the Mexican war, and carried with it the pay and emoluments from that time. Another measure of some importance which was adopted, was the establishment of a Court of Claims, for the purpose of hearing and adjudicating claims against the government, the report of the court going to Congress for final action. Another reorganized the diplomatic and consular service, fixing the salaries of ministers according to the grade of their mission, and giving consuls fixed salaries instead of fees. A retired list in the navy was provided for, and four regiments were added to the army.

At this session President Pierce again exercised the veto power, in two instances. A bill calculated to do tardy justice to many honest and some suffering claimants was passed, au-

thorizing the establishment of a commission to investigate and pay the losses sustained by American citizens from French spoliation on American commerce. These claims had been before Congress for a long time, and several times, when it was supposed they were about to be allowed, some failure occurred which deferred their hopes. The government had assumed the payment of the claims, in its negotiations with the French government, and it seemed but just to those who had suffered that they should be promptly paid. The chief argument urged against the payment of the claims was, that they had passed into the hands of other parties in many cases, and often for a trifling consideration. This, however, was not the case universally, and the fact, that in the course of many years necessity had obliged some sufferers to part with their claims, proved only that the payment should have been made long before. This bill, which had, after long trial, passed both houses of Congress, was vetoed by the president, and failing to receive the requisite two-thirds vote on the question of passing it over the veto, the long-pressed claims remained unsatisfied, notwithstanding the treasury was overflowing. The other bill which failed to receive the executive approval was one to increase the annual appropriation to the Collins line of steamers for mail service. But this bill, with an amendment which retained to Congress the right to discontinue the allowance on giving six months' notice, was appended to the naval appropriation bill, and in this way passed both houses and became a law.

It was on the last day of the session, March 3, 1855, that the president transmitted to Congress the correspondence relating to Cuba and claims against Spain, including the Ostend conference, which we have given in a previous page. Had this subject come before Congress earlier in the session, it would probably have elicited a spirited debate, involving a discussion of the extension of slave territory

as well as the policy of annexing a population so different from that of the United States.

It may be stated here that American diplomacy had not been idle in other parts of Europe, during the preceding year. Mr. Buchanan was endeavoring to make a settlement of the misunderstanding which had arisen between the United States and England, in relation to Central American affairs. Negotiations had been proceeding in Denmark with a view to secure the abolition of the "Sound dues." The war between the western powers and Russia had afforded an opportunity to propose conventions with the several powers of Europe, embracing the rule that "free ships make free goods," and also that neutral property, other than contraband, on board enemies' ships, should be exempt from confiscation. Russia had promptly entered into such a convention; England and France announced their purpose to observe it in the present war; some of the smaller powers assented to the doctrine as just, without forming any treaty; and Prussia accepted it with an addition that privateering should be abolished—a proposition not agreed to by our government. Although the rule was not adopted by all the powers, it is quite probable that it will in time enter into the international code as a settled principle. In Central America, an emigrating expedition organized by a Colonel Kinney and others, and designed to settle in that part of Nicaragua known as the Mosquito Coast and claimed to belong to the Mosquito king, but also claimed by Nicaragua, was the occasion of some diplomatic correspondence. It was not, however, an affair which really concerned the government at that stage, and hardly enters into the history of this country. Nor was diplomacy at rest in the Sandwich Islands, where a treaty for the annexation of the islands to the United States was framed, with some prospect of its being carried to a successful result; but the king dying, his suc-

cessor ordered a discontinuance of negotiations, and the project was not consummated.

After the adjournment of Congress, public attention was soon directed to affairs in Kansas, where an election of members of the territorial legislature took place on the 30th of March. A census was taken, by order of the governor, in January, when it appeared that there were eight thousand five hundred and one inhabitants in the territory, exclusive of Indians. Of these, five thousand one hundred and twenty-eight were males, and three thousand three hundred and seventy-three females; and three thousand four hundred and sixty-nine were minors, and there were two thousand nine hundred and five voters. At the time of the election the number of voters was probably somewhat increased by the arrival of new settlers, but it is not probable that the number exceeded three thousand five hundred. There were, however, six thousand three hundred and twenty votes cast, and all the persons elected, both to the council and the house of representatives, with one exception in each branch, were the candidates of the pro-slavery party, and some of them residents of Missouri. It was apparent from the vote, as well as from the events and proceedings of the day, that the election was fraudulent, and the subsequent investigations of a committee of the house of representatives in Congress revealed the extent of the fraud. It appeared that about five thousand illegal votes were cast, nearly or quite all of which were given by citizens or residents of Missouri, who entered the territory a day or two before the election, and left it again a day or two after it. The congressional committee, in their report, say,—

"By an organized movement, which extended from Andrew County in the north to Jasper County in the south, and as far eastward as Boone and Cole Counties, companies of men were arranged in regular parties, and sent into

every council district in the territory, and into every representative district but one. The numbers were so distributed as to control the election in each district. They went to vote, and with the avowed purpose of making Kansas a slave state. They were generally armed and equipped, carried with them their own provisions and tents, and so marched into the territory. The details of this invasion, from the mass of testimony taken by your committee, are so voluminous, that we can here state but the leading facts elicited."

The facts thus elicited were, that the invaders took possession of the polls, and by threats and violence prevented legitimate voters from exercising their privilege; or the latter, in some cases, finding the polls in the possession of armed Missourians, refused to participate in the election. The details of the fraudulent and riotous proceedings in many of the voting precincts were stated by the committee, and were proved by a large number of witnesses, of all parties, residents of Missouri as well as of Kansas.

This violation of the rights of actual settlers aroused the greatest indignation throughout the territory, and the flame soon spread through the country. The frauds were so apparent, that the elections might have been set aside in nearly all the districts, had there been time to contest them and to present the facts. But four days only being allowed for the presentation of protests, and the territory being so large, it was impossible to take the necessary steps and get the evidence before the governor within that time. Protests were sent in from six districts, however, and the frauds were so proven that new elections were ordered. In Leavenworth there was another "invasion," but in the other districts the free state party had a large majority of the votes.

During this period there were many scenes of violence in the territory, the pro-slavery party — mostly residents of Missouri — being

determined to drive out the free state settlers and make Kansas a slave state. If, subsequently, parties of the free state men also committed outrages, such a course is without doubt to be attributed to the violence and bloodshed with which they were assailed from the beginning by the men who were known throughout the land as "border ruffians."

Governor Reeder rendered himself obnoxious to the pro-slavery party by refusing certificates of election in the cases where frauds had been proved, and they resolved that the new election should be held void. The governor visited the east after the elections, and on his return he was assailed by one of the leading men of that party in a very violent manner, and from this time he was held of no account by the party which controlled the legislature. When the legislature assembled, they ousted the several members chosen at the second election, and gave their places to the members fraudulently elected at the first election. They also expelled the only free state member of the council, elected at the first election, and gave the seat to his competitor; and the free state member of the house then resigned. They had been convened by the governor at Pawnee, but they passed a bill adjourning to the Shawnee Mission, a place but one mile from the Missouri line. This bill was vetoed by the governor, but was passed over the veto by a two-thirds vote. The governor then declared the legislature dissolved by the act of removal, as in his opinion the organic act vested the power of fixing the seat of government in the governor. But the legislature adjourned, notwithstanding the arguments of the governor, and at the Shawnee Mission they proceeded to legislate.

This work was accomplished by taking a great part of the Missouri code, with additional provisions, more stringent, substituting the word "territory" for "state" wherever necessary, — and this, in some cases, by a separate

bill. In this way, in the course of a comparatively short session, they passed a code of laws which made a large volume, equalling in bulk the revised codes of some of the older states. Among the acts passed were such as these: giving the right to vote to any man, without regard to residence, on the payment of one dollar, and taking oaths to support the Kansas act and the fugitive slave law; requiring all officers to take the same oaths; making all county and local officers elective by the legislature instead of the people; forbidding the teaching of negroes to read, and the holding of religious meetings of negroes, unless a sheriff, constable, or county justice should be present; forbidding any person who was conscientiously opposed to holding slaves, or who did not admit the right to hold slaves in the territory, from acting as a juror in any case connected with slavery; prescribing the penalty of death for inciting rebellion among the slaves, by speaking, writing, or printing, or for enticing or assisting any slave to escape from his master; with other similar provisions, designed to establish slavery in the territory, and to bear oppressively upon the free state settlers. The legislature concluded its labors by sending a memorial to the president requesting him to remove Governor Reeder.

This request was seconded by persons of influence with the administration, and charges affecting the official integrity of the governor were presented. Whether these charges were well founded or not, it was clear that the governor was not coöperating with the party which sympathized with the administration, and he was removed. After a brief season, in which Mr. Woodson, the territorial secretary, was acting governor, Wilson Shannon, of Ohio, was appointed as Governor Reeder's successor.

Such legislation as that adopted by the territorial legislature naturally aroused great indignation among the actual settlers of the territory, and many of those who had emigrated

from Missouri, and who had at first sympathized with the pro-slavery party, took ground against these acts, and sided with the free state men. A mass convention was held at Lawrence, where resolutions were adopted repudiating the action of a legislature which had been imposed upon the territory by the people of Missouri. A convention of settlers from all parts of the territory was subsequently held, where similar resolutions were adopted, and the people were called upon to unite in the resistance of usurpation, even by force of arms, if necessary. Ex-Governor Reeder was nominated for delegate to Congress, to be voted for in October. But to guard against another "invasion," which should prevent a proper expression of the wishes of the actual settlers, as well as to repudiate the law requiring test oaths of voters, it was resolved to vote on the 9th of October, and to abstain from voting on the 1st, the day fixed by the territorial legislature for the election. The result was, that Mr. Whitfield was elected on the 1st, and Mr. Reeder on the 9th; but it was claimed that the latter received a larger vote than the former, and was the choice of a very large majority of the actual inhabitants of the territory. It was for the national house of representatives to decide which was entitled to the seat.

It should be observed that the free state men who thus organized against the pro-slavery party of Missourians, were by no means "abolitionists," but men who felt that it was for the interest of free white labor, and for the interest of Kansas, that slavery should be excluded from the territory. They repudiated the charge of abolitionism, and in one of their resolutions expressed a determination that no negro, bond or free, should be brought into the state. They also claimed, as American citizens and under the organic act, the right to make laws for themselves, and not to have obnoxious laws imposed upon them by the people of a neighboring state. Whatever may have been

the mistakes they made, or the violent proceedings alleged against some of them, they rightfully organized on the principles just named.

At the same time that Ex-Governor Reeder was elected to Congress, the free state men chose delegates to attend a convention for the purpose of framing a state constitution, with the view of applying to Congress for admission into the Union. This convention was held at Topeka, in the latter part of October, 1855. It was composed of men of all shades of political opinion, and coming from every part of the Union, but they were united in a common purpose to make Kansas a free state. There was considerable ability, and every variety of character there, and the members, bringing together the principles and ideas of the constitutions of the states from which they had emigrated, succeeded in framing a constitution which would compare favorably with that of any western state. It provided that slavery should not exist in the state, but permitted those slaves then in the territory to be held in it till July 4th, 1857. Provisions were made for education, and for an elective judiciary, with the other provisions for the organization and choice of the state government. Two addenda were also made, to be submitted as separate articles to the vote of the people. One of these was a provision for a free banking system, and the other was a resolution of instructions to the first legislature, requiring them to pass a law to exclude free blacks from the state. The latter provision was adopted as an illustration that the free state men were not the "abolitionists" they were charged with being by their opponents.

Soon after the Topeka convention, the pro-slavery party held a convention at Leavenworth, at which Governor Shannon presided, and was one of the principal speakers. This convention was styled a "law and order" convention, as it was in favor of supporting and

enforcing the laws passed by the legislature at the Shawnee Mission. The course of the free state men was condemned in the strongest terms, and the Topeka convention was called a treasonable assembly, which, if recognized by Congress, would lead to civil war.

Undoubtedly the opponents of the free state settlers looked upon Kansas as, of right, belonging to the slaveholding portion of the Union. The repeal of the Missouri compromise was regarded by them as intended to open this territory unquestionably to slavery, and any thing which was done to make it a free state, even the mere emigration of free state settlers, was considered by them as an invasion of their rights. Many of these men were, without doubt, honest in their opinions, but their rough mode of dealing with affairs, and the exciting character of the question at issue, carried them to extremes in their determination to protect their assumed rights, and they resorted to violence in order to defeat, dishearten, and drive out the free state settlers.

While men of both parties thus became exasperated on political issues, there were frequent collisions in relation to claims of lands, and in case the disputants were on different sides of the great question, the quarrels became violent, and ended in many cases in bloodshed. But even here it is only justice to say, that the violence was commenced and was carried to the greatest extremes by those who contended that slavery was of right to be established in the territory. They were, for the most part, men more accustomed to such proceedings than were the free state settlers. It was one of these collisions, in which a free state man was shot, that led by degrees to a state of civil war. A prisoner arrested by one of the sheriffs of the legislature at the Shawnee Mission, upon the charge of having some connection with the original difficulty, was rescued, as it was alleged, by a party of free state men. The sheriff called on the governor

and the governor called out the militia. This led to a great excitement on the borders of Missouri, and those who had been so ready to cross over the border to vote, were equally ready to go over and fight. They entered the territory in considerable numbers, were duly enrolled, and marched on Lawrence, the headquarters of those who "resisted the laws." They encamped about the town as if about to attack it, and the free state settlers — as nearly all the people of Lawrence were — prepared to resist them; but fortunately there was no armed collision. Governor Shannon was present, and after a time "peace was restored," and, by the governor's orders, the "invading army" retired. But the irritation remained on both sides. The free state settlers felt that their rights were to be protected only by their own strength and resolution, and their opponents were by no means satisfied with the part they had played in the recent demonstration. Governor Shannon came out of the affair not much respected by either party. Matters were in this unsatisfactory state when the thirty-fourth Congress assembled.

The negotiations with Denmark, alluded to on a previous page, in relation to the "Sound dues," not having accomplished any thing satisfactory, the president, in the spring of 1855, gave notice to the Danish government that the treaty of commerce which recognized the right to levy these dues, would be terminated at the expiration of a year, and that the right would no longer be admitted by the United States. The Danish government endeavored to have the time postponed, in view of the unsettled condition of Europe, but the notification was not withdrawn. This action on the part of the United States led to more active negotiations on the part of other powers with Denmark, with a view to bring the matter to an early settlement, the negotiations to that end having been pending for a long time.

An event which may well be recorded in the

history of our country, was the return, in October of this year, (1855,) of Dr. Kane and his surviving companions, who, in 1853, had sailed for the Arctic seas in search of some trace of the long missing Sir John Franklin. Dr. Kane had been an officer in the previous American expedition in search of the lost explorers, and he responded to the last appeal of Lady Franklin for a search for some trace of her husband's party. It was believed, too, that a part of the crew of the British ship might yet be living among the Esquimaux, and without the means of escaping from the regions of ice. The vessel was furnished through the liberality of Mr. Grinnell, a New York merchant, who had also furnished the vessels of the preceding expedition. It received the favor of, and some aid from, the government, by which Dr. Kane, who was a surgeon in the navy, was authorized to take command, under the orders of the navy department. The crew of the vessel consisted of only seventeen persons, and were selected for their qualifications for this service. Sailing from New York, May 31, 1853, the expedition was frozen in, September 10, at the most northerly point on the coast of Greenland which had been reached. There the party passed the winter, enduring the most intense cold, but keeping up health and spirits, through the care, energy, and prudence of the noble commander. The next summer was spent in exploring, and the most northerly point ever reached on this continent was attained, and signs of an open polar sea were discovered. The succeeding winter was of greater severity than the first, and, the party perhaps not being so well prepared to endure the hardships to which they were exposed, their sufferings were terrible. Nothing but the indomitable will and energy of their leader carried the party through the severities of that winter. It would have been impossible for them to have endured another winter, and Dr. Kane, therefore, in the succeeding summer, determined to abandon his vessel,

still frozen in the ice, and to attempt to reach the Danish settlements by means of sledges and open boats. His strong will and skill, aided by the hearty coöperation of his men, made the attempt successful, and they reached the most northern Danish settlements early in August, having travelled thirteen hundred miles in eighty-one days. In the mean time much anxiety was felt at home for the intrepid explorers, and the government despatched Lieutenant Hartstene, with a bark and small steamer, in search of them. This relief expedition fortunately fell in with the returning party at the Danish settlement, and brought them home, three of the party having died in the Arctic regions. The return of Dr. Kane and his party was hailed with joy throughout the country, and was a subject of much congratulation in England.*

Near the close of 1855, another event connected with the search for Sir John Franklin occurred, with which the country subsequently became connected through the government, thus making it a matter of national history. The captain of a New London whaler brought into that port the British bark *Resolute*, belonging to the expedition sent out by the British government in search of Sir John Franklin, under Sir Edward Belcher. This bark, under the command of Captain Kellett, had been frozen up in the Arctic regions, and abandoned as hopelessly ice-bound. She afterwards drifted

with the ice southward, and was found by our hardy whalemens nearly a thousand miles from the place where she was frozen in. Her armament and stores were complete, and every thing in the state in which she had been left, except as affected by the exposure to the weather. Although in not the most seaworthy condition, the captain of the whaler put what crew could be spared from his vessel on board his prize, and brought her safely into New London harbor. Congress subsequently voted forty thousand dollars for the purchase and refitting of the *Resolute*, and after putting her in complete repair she was sent, under command of Lieutenant Hartstene, to be presented, in the name of the United States, to the British government. This mark of good feeling, on the part of this country, was received with great satisfaction by the people and government of England.

A short time before this opportunity occurred for a display of good will by the United States and England, there was a slight "speck of war" seen in the distance. The filibustering expeditions which were fitted out, and rumored to be fitting out, in the United States, served to arouse the suspicions and vigilance of the British government, and they increased the strength of their West India squadron, while some of the English papers were quite belligerent in their tone. This feeling was aroused in part, probably, by the prosecution of certain parties who were procuring recruits in this country for the English army in the Crimea; and some of the English seemed to think that while the government were very vigilant in this direction, they were winking at grosser violations of the neutrality laws, which had Cuba or Central America for an object. These difficulties were of short duration, however, at this time, and explanations soon settled them.

* The Arctic Explorations of Dr. Kane were published in two handsome volumes of absorbing interest. They have been widely read, and the name of the gallant adventurer became a household word in all parts of the country. Dr. Kane's health was much impaired by his exposure and sufferings, and after completing these volumes he went to Cuba, seeking its restoration. But the disease was too deeply seated, and he died in Havana, February 16, 1857. His heroic life has been the theme of many an eloquent discourse, and his name will long be remembered among those recorded in history.

CHAPTER V.

Thirty-fourth Congress. — Organization of the House. — Choice of Speaker. — President's Message. — Kansas Affairs. — Special Message. — Delegates' contested Seat. — Election under Topeka Constitution, and Organization of State Government. — Memorial for Admission to the Union. — Excitement against Free State Settlers. — Investigation of Frauds and Outrages. — Affairs at Lawrence. — United States Marshal's Proceedings. — Attack on Lawrence, and Destruction of Property.

THE thirty-fourth Congress commenced its first session December 3d, 1855. The elections had resulted in a return of a small majority of members opposed to the administration. This majority was composed of Americans and Republicans, the latter party having in some of the states met with more success than the Americans. The two parties embraced much of the strength of the old Whig party, and they were both opposed to the Kansas-Nebraska policy of the administration. This opposition, however, differed in the American ranks in character and degree according to the section from which the members came. The opponents of the administration could not hope for success in any vote except by a union, and the administration party could not succeed without the aid of more or less of their opponents. In this state of affairs it seemed almost impossible to elect a speaker. The union of the Americans and Republicans was not so perfect as to carry every opposition vote, but the Democrats, nevertheless, gained none of their dissatisfied opponents. The contest therefore continued for weeks, and vote after vote was taken, each party deeming it a duty, or matter of pride, to adhere to its own candidates. The country grew tired of the oft-repeated story of "no choice," although the sympathies of the respective parties were heartily enlisted in the struggle, and approved of the firmness of their representatives. At last, after two months' delay, the members also grew weary of the ineffectual strife, and adopted a rule providing that at a certain vote a plurality should elect.

This closed the contest, and on the 2d of February, 1856, Nathaniel P. Banks, of Massachusetts, on whom the opposition finally rallied, was elected speaker by one hundred and three votes, Mr. Aiken, of South Carolina, the administration candidate, receiving one hundred, and eleven others being divided among several candidates. Mr. Banks was admirably qualified by abilities and experience for the position to which he was called.

In the mean time President Pierce, after waiting nearly a month for the organization of the house, had transmitted his annual message to the senate alone, on the 31st of December. This unusual course was the occasion for some severe animadversions in the house. This message was devoted to the various subjects of interest, both in the foreign and domestic relations of the country; and on those in which the greatest interest was felt, as the political questions on which parties divided, the president entered into arguments in favor of the views and action of the Democratic party. The principles of the Kansas-Nebraska act were supported at length, and with much earnestness, while the president also discussed the relations of the several states on the subject of slavery and the fugitive slave law. On these questions the message appeared more as a partisan address than is usual with such state papers; but it is probable that the result of the Kansas-Nebraska bill in renewing the deprecated "agitation," and bringing the principles of slavery and freedom into a hand-to-hand struggle, as it were, was thought to demand from the president a strong expression of the sentiments of his party on these subjects. The finances of the country still continued in a flourishing condition; the balance in the treasury at the commencement of the fiscal year (July 1, 1855) being nearly nineteen millions of dollars, and the estimated receipts and expenditures promising a balance of sixteen millions at the close. The differences of opinion

between the United States and British governments with regard to Central American affairs had been the subject of considerable correspondence between the diplomatists of the two countries,—the difficulties arising from the construction put upon the Clayton-Bulwer treaty by the British government. Recruiting for the British army had also occasioned correspondence and a demand for explanations. The relations with other foreign countries were represented to be in a peaceful and satisfactory state generally.

Of affairs in Kansas the president spoke quite briefly in his annual message, saying that there had been acts prejudicial to good order, but as yet none had occurred under circumstances to justify the interposition of the federal executive. That could only be in case of obstruction to federal law, or of organized resistance to territorial law, assuming the character of insurrection, which, if it should occur, it would be his duty promptly to suppress. But he indulged the hope that the occurrence of such an untoward event would be prevented by the sound sense of the people of the territory, who, by its organic law, possessing the right to determine their own domestic institutions, are entitled, while deporting themselves peacefully, to the free exercise of that right, and must be protected in the enjoyment of it, without interference on the part of the citizens of any of the states.

To such language as this the free state men in Kansas could make no answer. The rights here conceded were all that they desired, if they could enjoy them fully, and it was the invasion of these rights by the people of Missouri that had led to the troubles.

In January, the president sent a message to the senate specially relating to affairs in Kansas, and recommending that Congress adopt such measures as the exigency of the case required. In this message the president attributed the troubles in Kansas partly to local mal-

administration and partly to the unjustifiable interference of the inhabitants of some states with views foreign to the rights and interests of the territory. He charged Governor Reeder with a neglect of duties, "thereby setting an example of violation of law and duty which rendered his removal necessary." He recognized the first territorial legislature, whatever the informalities of its election, as, for all practical purposes, a lawful body, whose acts were to be obeyed; and he condemned the convention which framed the free state constitution at Topeka, as a party affair, contrary to the principles of public law and practice under the constitution of the United States, and the rule of right and common sense. The movement in opposition to the authorities in Kansas he regarded as revolutionary in character, and if it should reach the point of organized resistance, as a treasonable insurrection, which it would be the duty of the federal government to suppress. Although the disturbances of December preceding were quieted, the president apprehended renewed disorders unless decided measures were taken to prevent them.

In December, the free state party held a convention to nominate candidates for officers under the state constitution which they had framed, and which, by a small and almost wholly party vote, had been adopted when submitted to the people. Charles Robinson, a leading member of the free state party, and one of its most able and judicious advisers, was nominated for governor. The election was appointed by the executive committee to take place on the 15th of February. In the mean time the troubles by no means diminished, and a bitter animosity grew up between the parties. Outrages and murders were committed; persecution was followed sometimes by retaliation. There were also threats of another invasion from Missouri, and it was feared that it would not be so harmless as the last. At this stage, the president issued a proclamation

stating that combinations had been formed in the territory to resist the execution of the laws, and to subvert by violence the present legal authority, and that persons outside the territory were contemplating armed interference in the more remote, as well as in neighboring states, and he, therefore, had taken the proper measures to repress outbreaks and maintain the peace of the country.

Upon the organization of the house of representatives, the affairs of Kansas came before them, Mr. Whitfield and Mr. Reeder, the contesting delegates, claiming a seat as representative of the territory. A majority of the committee on elections, to whom the subject was referred, reported adversely to the claim of Mr. Whitfield, and took ground against the authority of the territorial legislature. They also asked for power to send for persons and papers, with a view to investigate fully the frauds alleged in the elections in Kansas. The minority of the committee offered a counter report, and also recommended that a commission be sent to Kansas to take testimony, instead of sending for persons and papers. A long debate arose on these reports, and finally a proposition to send a committee of three members of the house to Kansas, with full powers to make a thorough investigation of the troubles there, was adopted, and Mr. Sherman, of Ohio, Mr. Howard, of Michigan, and Mr. Oliver, of Missouri, were appointed to constitute the committee.

In the senate, also, the affairs of Kansas occupied much time and attention. Mr. Douglas, from the committee on territories, submitted a report on the subject, which affirmed the legality of the territorial legislature and the authority of its enactments. It also pronounced the proceedings of the free state convention at Topeka as illegal and treasonable, and animadverted with much severity on the emigrant aid societies. The committee proposed a bill authorizing the inhabitants of

Kansas, when it should appear that the population was sufficient to entitle them to one representative in Congress, to hold a convention for the purpose of forming a state constitution. Mr. Collamer, of Vermont, submitted a minority report controverting many of the points in the majority report, reiterating the charges of fraud, violence, and illegality in respect to the territorial legislature, and defending the proceedings of the free state settlers in framing the Topeka constitution, and holding elections under it. As the easiest and most direct way of meeting all the difficulties, and settling them at once, the report recommended that Kansas be admitted to the Union with the Topeka constitution.

In the mean time, in Kansas, the persons elected under the Topeka constitution to compose the state executive and legislature, assembled at Topeka, and proceeded to organize the government for prospective action. The two branches of the legislature made choice of their officers, and the governor elect, Mr. Robinson, took the oath of office and delivered his inaugural address. A memorial asking for admission to the Union was then adopted and sent to Congress. A committee from each branch of the legislature was appointed to frame a code of laws for the future state, and other business of a prospective nature was transacted, but without taking any steps to bring the new state government into collision with the territorial government. After electing Andrew H. Reeder and James H. Lane as United States senators to represent the state when admitted into the Union, the legislature adjourned until the 4th of July succeeding. These proceedings were magnified into treason by the pro-slavery party, and they were represented to the national government in the worst possible light.

The feeling against the free state settlers grew more intense among the pro-slavery men of the territory, and of Western Missouri, as

they saw the probability that Kansas, if left to itself, would certainly become a free state. This enmity was increased by the arrival of armed companies from the Southern States, who came with a determination to sustain the slaveholding interests, and to force slavery upon Kansas if possible. Some of them perhaps came to settle in Kansas, but the majority were mere adventurers, "soldiers of fortune," at all times disposed to lawless violence, and glad of an opportunity to indulge in it against the "abolitionists," as the free state men were termed. The presence of these men, sustaining and pressing forward the pro-slavery party to acts of aggression, under color of legal authority, precipitated a civil war on Kansas.

The congressional committee, appointed to investigate the alleged frauds and outrages on the people, proceeded immediately to Kansas to perform their duties. This investigation, faithfully made by the majority of the committee, was not acceptable to those who had participated in or profited by the frauds, and various means were resorted to in order to break up or trouble the sittings of the committee. Attempts were made to arrest parties attending as witnesses, and even the officers of the committee were not free from molestation. The committee, however, proceeded with their business. While they were at Lawrence, the sheriff of Douglas County, a man especially obnoxious, by his acts and manners, to the free state inhabitants, attempted to arrest a party against whom he had a precept. This person was rescued in a not very violent way, and the sheriff left. The following Sunday he returned and called upon some of the most respectable persons in the town, as they were on their way to church, to assist him in making arrests. These persons went on their way without paying attention to the call. This being construed into a refusal to support the laws, and an organized resistance to them, the sheriff made a demand on Governor Shannon for the aid of

the federal troops, which had been placed at the disposal of the governor by the government at Washington, to sustain the territorial laws. Governor Shannon made the requisition, and a small force of dragoons was placed under the orders of the sheriff. With the aid of these, or rather without any resistance, he arrested those parties who had on the previous Sunday gone on their way to church when he called on them to assist him. These prisoners were kept in a tent guarded by the dragoons, in the town of Lawrence, and treated like felons. The accounts of this whole affair give the strongest impression that it was designed to harass the people of Lawrence, and perhaps to provoke a rescue, which would soon bring on a crisis. It was the belief of many that such a crisis was desired, in order to put an end to the investigations of the committee.

No rescue was attempted, and the people of Lawrence had generally shown a disposition not to come into any collision with the federal authorities. There were, however, individuals less disposed to submit, and one of these attempted to shoot the sheriff in his camp. The officer was wounded, but not killed, and he was attended with every care by the citizens of Lawrence, who condemned the attempted murder as much as their opponents. A public meeting was held, which denounced the act, and Mr. Robinson, the free state governor, at the request of influential citizens, offered a reward for the apprehension of the assailant.

This affair created the greatest excitement among the supporters of the territorial legislature and their friends in Missouri. It was charged upon the free state men generally, and was considered as proof that they were determined to resist the execution of the laws, even by bloodshed. It should not be forgotten, however, that this was not the only outrage, or even murder, which had been committed about this time, for there had been some greater atrocities committed against unoffending free

state men, which served to exasperate that party. Matters soon proceeded, under this state of feelings, from bad to worse. The grand jury presented as nuisances two newspapers and the free state hotel in Lawrence. Ex-Governor Reeder, who was attending the congressional committee by their citation, was summoned to attend before the grand jury at Lecompton, and declining to do so, a writ for his arrest for contempt was issued. Mr. Reeder claimed exemption from the service of the writ, by his privilege as a party before the congressional committee, to whom his presence was necessary; and believing that this action was intended to interfere with the labors of the committee, and that he had reason to fear assassination at Lecompton, he refused to go with the officer. He subsequently escaped from the territory in disguise. About this time Mr. Robinson, the free state governor, while on his way to the east, was stopped on his passage down the river by a mob, and kept as a prisoner.

The next step was a proclamation, issued by United States Marshal Donaldson, calling upon all "law-abiding citizens of the territory" to aid him in the service of certain judicial writs of arrest, in the attempted service of which his deputy marshal had been resisted by a large number of the citizens of Lawrence. The marshal feared, or pretended to fear, that these writs would be resisted by a large body of armed men, although the public resolutions of the citizens of Lawrence and the declarations of all its influential men were, that no resistance would be offered to the service of legal writs by United States officers. Already the "southern regiment," as it was called, had come into the territory, and were committing depredations, threatening to destroy Lawrence. The citizens of Lawrence called on Governor Shannon for protection in view of these threats, but the governor said there was no force approaching Lawrence except the legally constituted

posse of the marshal, and refused to interfere. The citizens then adopted a resolution declaring that they had not resisted and would not resist the officers, and would aid them, if necessary, in the service of judicial writs, but that they were "ready to resist, if need be, unto death, the ravages and desolation of an invading mob." This resolution was sent to the marshal, as were several letters requesting protection from the ravages of parties of armed men collecting about Lawrence. But nothing was done to withdraw these forces or to prevent the outrages. On the contrary, the number of these armed men increased, and they seized cattle and horses and whatever came in their way, greatly to the loss of innocent and poor settlers.

At last the marshal was prepared to serve his writs, and with a few men was in the town and attending to that business without molestation. There was evidently no occasion for an armed posse, but it was marched to the immediate neighborhood of the town, and other processes were served, several citizens of Lawrence acting as a posse. The marshal then informed the armed forces that he was done with them, but the sheriff took command, and the troops entered the town to destroy the printing offices and the hotel, under orders, as it was alleged, from the District Court. The women and children were removed from the town, and many of the men, liable as they were in their defenceless state to outrages and murder, had also left. But their property remained behind, and after the "armed posse," of whom Mr. Atchison (who had been a senator in Congress and acting vice-president of the United States) was the leader, had destroyed the hotel and printing offices, they burned houses and plundered the town, carrying away and destroying much property. The number of this army was six or eight hundred men. Whether or not it was a cause for congratulation with them that they had sacked a defenceless town,

inhabited by their fellow-citizens, who had committed no offence except to entertain and express political opinions opposed to the invaders, it is only a dishonor to the country that such a thing should have occurred and been permitted by the federal authorities who had the power to prevent it.

CHAPTER VI.

Agitation among the People respecting Kansas Affairs. — Debates in Congress. — Speech of Mr. Sumner, of Massachusetts. — Its Consequences. — Assault on Mr. Sumner by Mr. Brooks, of South Carolina. — Investigation by a Congressional Committee of the Frauds and Outrages in Kansas. — Vote of the House to admit Kansas as a State. — The Bill rejected by the Senate. — Continued Disturbances in Kansas. — Course of Governor Shannon. — His Removal — State Legislature dispersed. — Armed Emigrants. — Governor Geary. — His Measures and Policy.

WHILE these things were taking place in Kansas, the whole country was agitated with the questions involved in the struggle there. It was a closer contest between the principles of freedom and slavery than had yet occurred since the formation of the Union, and the feelings of men were enlisted on one side or the other, according to their proclivities caused by education or interest. In Congress the affairs of Kansas were debated with great warmth and bitterness, as might be expected from the exciting character of the subject. Mr. Butler, Mr. Mason, and others spoke strongly in favor of the territorial laws and their enforcement, and denounced the proceedings of the free state men and their sympathizers in the states as the cause of the troubles. Among those who replied to them was Mr. Sumner, of Massachusetts, who delivered a long and elaborate speech on the subject, in which he treated those gentlemen in no tender manner, by his keen irony and stern invective. Sharp retorts followed on both sides, and bitter feelings were aroused in the senate chamber, as well as in

Kansas. From Mr. Sumner's speech,* which is memorable on account of its sequel, we make the following extracts: —

“Mr. President: You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented. Tariffs, army bills, navy bills, land bills, are important, and justly occupy your care; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of government itself. Grant them or deny them, in greater or less degree, and you will inflict no shock. The machinery of government will continue to move. The state will not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, liberty in a broad territory, and also involving the peace of the whole country, with our good name in history forevermore.

“Take down your map, sir, and you will find that the territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west; from the frozen waters of Hudson's Bay on the north, and the tepid Gulf Stream on the south; constituting the precise territorial centre of the whole vast continent. To such advantages of situation, on the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy to be a central pivot of American institutions. A few short months only have passed since this spacious mediterranean country was open only to the savage, who ran wild in its woods and prairies; and now it has already

* “The Crime against Kansas. The Apologies for the Crime The True Remedy. Speech of Hon. Charles Sumner, in the Senate of the United States, 19th and 20th May, 1856.”

drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for mankind on the field of Marathon; more than Sparta contained when she ruled Greece, and sent forth her devoted children, quickened by a mother's benediction, to return with their shields or on them; more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway, which afterwards embraced the whole earth; more than London held, when, on the fields of Crecy and Agincourt, the English banner was carried victoriously over the chivalrous hosts of France.

"Against this territory, thus fortunate in position and population, a crime has been committed which is without example in the records of the past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance, which may show at least the path of justice. In the terrible impeachment by which the great Roman orator has blasted through all time the name of Verres, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and which still stands forth with strongest distinctness, arresting the sympathetic indignation of all who read the story, is, that away in Sicily he had scourged a citizen of Rome; that the cry, 'I am a Roman citizen,' had been interposed in vain against the lash of the tyrant governor. Other charges were, that he had carried away productions of art, and that he had violated the sacred shrines. It was in the presence of the Roman senate that this arraignment proceeded; in a temple of the forum; amidst crowds, such as no orator had ever before drawn together, thronging the porticoes and colonnades, even clinging to the house-tops and neighboring slopes; and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander

far, of higher dignity, of more various people, and of wider intelligence, the countless multitude of succeeding generations, in every land where eloquence has been studied or where the Roman name has been recognized, has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light and in a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, have been desecrated; where the ballot-box, more precious than any work, in ivory or marble, from the cunning hand of art, has been plundered; and where the cry, 'I am an American citizen,' has been interposed in vain against outrage of every kind, even upon life itself. Are you against sacrilege? I present it for your execration. Are you against robbery? I hold it up to your scorn. Are you for the protection of American citizens? I show you how their dearest rights have been cloven down, while a tyrannical usurpation has sought to install itself on their very necks.

"But the wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin territory, compelling it to the hateful embrace of slavery; and it may be clearly traced to a depraved longing for a new slave state, the hideous offspring of such a crime, in the hope of adding to the power of slavery in the national government. Yes, sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, and to make it a hissing to the nations, here in our republic, *force* — ay, sir, *FORCE* — has been openly employed in compelling Kansas to this pollution, and all for the

sake of political power. There is the simple fact, which you will vainly attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

"But this enormity, vast beyond comparison, swells to dimensions of wickedness which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud, not only in this distant territory, but every where throughout the country. Already the muster has begun. The strife is no longer local, but national. Even now, while I speak, portents hang on all the arches of the horizon, threatening to darken the broad land, which already yawns with the mutterings of civil war. The fury of the propagandists of slavery, and the calm determination of their opponents, are now diffused from the distant territory over wide-spread communities, and the whole country, in all its extent, marshalling hostile divisions, and foreshadowing a strife which, unless happily averted by the triumph of freedom, will become war, fratricidal, parricidal war, with an accumulated wickedness beyond the wickedness of any war in human annals; justly provoking the avenging judgment of Providence and the avenging pen of history, and constituting a strife, in the language of the ancient writer, more than *foreign*, more than *social*, more than *civil*; but something compounded of all these strifes, and in itself more than war; *sed potius commune quoddam ex omnibus, et plus quam bellum*.

"Such is the crime which you are to judge. But the criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose which was insensible to the judgment of mankind; a madness for slavery which should disregard the constitution,

the laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of public opinion, through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life — the politician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench; and a familiar use of men in places high and low, so that none, from the president to the lowest border postmaster, should decline to be its tool; all these things, and more, were needed; and they were found in the slave power of our republic. There, sir, stands the criminal, all unmasked before you, heartless, grasping, and tyrannical; with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence; for this is the power behind — greater than any president — which succors and sustains the crime. Nay, the proceedings I now arraign derive their fearful consequence only from this connection. * * *

"My task will be divided under three different heads; first, THE CRIME AGAINST KANSAS, in its origin and extent; secondly, THE APOLOGIES FOR THE CRIME; and, thirdly, THE TRUE REMEDY.

"But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from senators who have raised themselves to eminence on this floor in championship of human wrongs; I mean the senator from South Carolina, [Mr. Butler,] and the senator from Illinois, [Mr. Douglas,] who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder senator from his seat; but the cause, against which he

has run a tilt, with such activity of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave states cannot enjoy what, in mockery of the great fathers of the republic, he misnames equality under the constitution,—in other words, the full power in the national territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block,—then, sir, the chivalric senator will conduct the state of South Carolina out of the Union! Heroic knight! Exalted senator! A second Moses come for a second exodus!

“But not content with this poor menace, which we have been twice told was “measured,” the senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them ‘sectional and fanatical;’ and opposition to the usurpation in Kansas he denounces as ‘an uncalculating fanaticism.’ To be sure, these charges lack all grace of originality and all sentiment of truth; but the adventurous senator does not hesitate. He is the uncompromising, unblushing representative

on this floor of a flagrant *sectionalism*, which now domineers over the republic, and yet, with a ludicrous ignorance of his own position, unable to see himself as others see him, or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the government to its original policy, when freedom, and not slavery, was national, while slavery, and not freedom, was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that senator that it is to himself, and to the ‘organization’ of which he is the ‘committed advocate,’ that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national*; and that it now goes forth to dislodge from the high places of the government the tyrannical sectionalism of which the senator from South Carolina is one of the maddest zealots.

“To the charge of fanaticism I also reply. Sir, fanaticism is found in an enthusiasm or exaggeration of opinions, particularly on religious subjects; but there may be a fanaticism for evil, as well as for good. Now, I will not deny, that there are persons among us loving liberty too well for their personal good, in a selfish generation. Such there may be, and, for the sake of their example, would that there were more! In calling them ‘fanatics,’ you cast contumely upon the noble army of martyrs, from the earliest day down to this hour; upon the great tribunes of human rights, by whom life, liberty, and happiness, on earth, have been secured; upon the long line of devoted patriots, who, throughout history, have truly loved their country; and upon all who, in noble aspirations for the general good, and

in forgetfulness of self, have stood out before their age, and gathered into their generous bosoms the shafts of tyranny and wrong, in order to make a pathway for Truth. You discredit Luther, when alone he nailed his articles to the door of the church at Wittenberg, and then, to the imperial demand that he should retract, firmly replied, 'Here I stand; I cannot do otherwise, so help me God!' You discredit Hampden, when alone he refused to pay the few shillings of ship-money, and shook the throne of Charles I.; you discredit Milton, when, amidst the corruptions of a heartless court, he lived on, the lofty friend of liberty, above question or suspicion; you discredit Russell and Sidney, when, for the sake of their country, they calmly turned from family and friends, to tread the narrow steps of the scaffold; you discredit those early founders of American institutions, who preferred the hardships of a wilderness, surrounded by a savage foe, to injustice on beds of ease; you discredit our later fathers, who, few in numbers and weak in resources, yet strong in their cause, did not hesitate to brave the mighty power of England, already encircling the globe with her morning drum-beats. Yes, sir, of such are the fanatics of history, according to the senator. But I tell that senator, that there are characters badly eminent, of whose fanaticism there can be no question. Such were the ancient Egyptians, who worshipped divinities in brutish forms; the Druids, who darkened the forests of oak, in which they lived, by sacrifices of blood; the Mexicans, who surrendered countless victims to the propitiation of their obscene idols; the Spaniards, who, under Alva, sought to force the Inquisition upon Holland, by a tyranny kindred to that now employed to force slavery upon Kansas; and such were the Algerines, when in solemn conclave, after listening to a speech not unlike that of the senator from South Carolina, they resolved to continue the slavery of white Christians, and to

extend it to the countrymen of Washington! Ay, sir, extend it! And in this same dreary catalogue faithful history must record all who now, in an enlightened age and in a land of boasted freedom, stand up, in perversion of the constitution and in denial of immortal truth, to fasten a new shackle upon their fellow-man. If the senator wishes to see fanatics, let him look round among his own associates; let him look at himself. * * *

"I. It belongs to me now, in the first place, to expose the CRIME AGAINST KANSAS, in its origin and extent. Logically, this is the beginning of the argument. I say crime, and deliberately adopt this strongest term, as better than any other denoting the consummate transgression. I would go farther, if language could farther go. It is the *Crime of Crimes*, surpassing far the old *crimen majestatis*, pursued with vengeance by the laws of Rome, and containing all other crimes, as the greater contains the less. I do not go too far, when I call it the *Crime against Nature*, from which the soul recoils, and which language refuses to describe. To lay bare this enormity, I now proceed. The whole subject has already become a twice-told tale, and its renewed recital will be a renewal of its sorrow and shame; but I shall not hesitate to enter upon it. The occasion requires it from the beginning.

"It has been well remarked by a distinguished historian of our country, that, at the Ithuriel touch of the Missouri discussion, the slave interest, hitherto hardly recognized as a distinct element in our system, started up portentous and dilated, with threats and assumptions, which are the origin of our existing national politics. This was in 1820. The discussion ended with the admission of Missouri as a slaveholding state, and the prohibition of slavery in all the remaining territory west of the Mississippi, and north of 36° 30', leaving the condition of other territory south of this line, or subsequently acquired, untouched by

the arrangement. Here was a solemn act of legislation, called at the time a compromise, a covenant, a compact, first brought forward in this body by a slaveholder, vindicated by slaveholders in debate, finally sanctioned by slaveholding votes; also upheld at the time by the essential approbation of a slaveholding president, James Monroe, and his cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself; and this compromise was made the condition of the admission of Missouri, without which that state could not have been received into the Union. The bargain was simple, and was applicable, of course, only to the territory named. Leaving all other territory to await the judgment of another generation, the south said to the north, 'Conquer your prejudices so far as to admit Missouri as a slave state, and, in consideration of this much-coveted boon, slavery shall be prohibited forever in all the remaining Louisiana territory above 36° 30';' and the north yielded.

"In total disregard of history, the president, in his annual message, has told us that this compromise 'was reluctantly acquiesced in by the Southern States.' Just the contrary is true. It was the work of slaveholders, and was crowded by their concurring votes upon a reluctant north. At the time, it was hailed by slaveholders as a victory. Charles Pinckney, of South Carolina, in an oft-quoted letter, written at three o'clock on the night of its passage, says, 'It is considered here by the slaveholding states as a great triumph.' At the north, it was accepted as a defeat, and the friends of freedom every where throughout the country bowed their heads with mortification. But little did they know the completeness of their disaster. Little did they dream that the prohibition of slavery in the territory, which was stipulated as the price of their fatal capitulation, would also at the very moment of its maturity be wrested from them.

"Time passed, and it became necessary to

provide for this territory an organized government. Suddenly, without notice in the public press, or the prayer of a single petition, or one word of open recommendation from the president; after an acquiescence of thirty-three years, and the irreclaimable possession by the south of its special share under this compromise, in violation of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused north, this time-honored prohibition, in itself a landmark of freedom, was overturned, and the vast region now known as Kansas and Nebraska was opened to slavery. It was natural that a measure thus repugnant in character should be pressed by arguments mutually repugnant. It was urged on two principal reasons, so opposite and inconsistent as to slap each other in the face; one being, that by the repeal of the prohibition, the territory would be left open to the entry of slaveholders with their slaves, without hinderance; and the other being, that the people would be left absolutely free to determine the question for themselves, and to prohibit the entry of slaveholders with their slaves, if they should think best. With some, the apology was the alleged rights of slaveholders; with others, it was the alleged rights of the people. With some, it was openly the extension of slavery; and with others, it was openly the establishment of freedom, under the guise of popular sovereignty. Of course, the measure, thus upheld in defiance of reason, was carried through Congress in defiance of all the securities of legislation; and I mention these things that you may see in what foulness the present crime was engendered.

"It was carried, first, by *whipping in* to its support, through executive influence and patronage, men who acted against their own declared judgment and the known will of their constituents. Secondly, by *foisting out of place*, both in the senate and house of repre-

sentatives, important business, long pending, and usurping its room. Thirdly, by *trampling under foot* the rules of the house of representatives, always before the safeguard of the minority. And, fourthly, by *driving it to a close* during the very session in which it originated, so that it might not be arrested by the indignant voice of the people. Such are some of the means by which this snap judgment was obtained. If the clear will of the people had not been disregarded, it could not have passed. If the government had not nefariously interposed its influence, it could not have passed. If it had been left to its natural place in the order of business, it could not have passed. If the rules of the house and the rights of the minority had not been violated, it could not have passed. If it had been allowed to go over to another Congress, when the people might be heard, it would have been ended; and then the crime we now deplore would have been without its first seminal life.

"Mr. President, I mean to keep absolutely within the limits of parliamentary propriety. I make no personal imputations; but only with frankness, such as belongs to the occasion and my own character, describe a great historical act, which is now enrolled in the Capitol. Sir, the Nebraska bill was in every respect a swindle. It was a swindle by the south of the north. It was, on the part of those who had already completely enjoyed their share of the Missouri compromise, a swindle of those whose share was yet absolutely untouched; and the plea of unconstitutionality set up—like the plea of usury after the borrowed money has been enjoyed—did not make it less a swindle. Urged as a bill of peace, it was a swindle of the whole country. Urged as opening the doors to slave-masters with their slaves, it was a swindle of the asserted doctrine of popular sovereignty. Urged as sanctioning popular sovereignty, it was a swindle of the asserted rights of slave-masters. It was a swindle of a

broad territory, thus cheated of protection against slavery. It was a swindle of a great cause, early espoused by Washington, Franklin, and Jefferson, surrounded by the best fathers of the republic. Sir, it was a swindle of God-given, inalienable rights. Turn it over; look at it on all sides, and it is every where a swindle; and, if the word I now employ has not the authority of classical usage, it has, on this occasion, the indubitable authority of fitness. No other word will adequately express the mingled meanness and wickedness of the cheat.

"Its character was still further apparent in the general structure of the bill. Amidst overflowing professions of regard for the sovereignty of the people in the territory, they were despoiled of every essential privilege of sovereignty. They were not allowed to choose their governor, secretary, chief justice, associate justices, attorney, or marshal, all of whom are sent from Washington; nor were they allowed to regulate the salaries of any of these functionaries, or the daily allowance of the legislative body, or even the pay of the clerks and door-keepers; but they were left free to adopt slavery. And this was called popular sovereignty! Time does not allow, nor does the occasion require, that I should stop to dwell on this transparent device to cover a transcendent wrong. Suffice it to say, that slavery is in itself an arrogant denial of human rights, and by no human reason can the power to establish such a wrong be placed among the attributes of any just sovereignty. In refusing it such a place, I do not deny popular rights, but uphold them; I do not restrain popular rights, but extend them. And, sir, to this conclusion you must yet come, unless deaf, not only to the admonitions of political justice, but also to the genius of our own constitution, under which, when properly interpreted, no valid claim for slavery can be set up any where in the national territory. The senator from Michigan [Mr. Cass] may say, in response to the senator

from Mississippi, [Mr. Brown,] that slavery cannot go into the territory under the constitution without legislative introduction; and permit me to add, in response to both, that slavery cannot go there at all. Nothing can come out of nothing; and there is absolutely nothing in the constitution out of which slavery can be derived, while there are provisions, which, when properly interpreted, make its existence any where within the exclusive national jurisdiction impossible. * * *

"Mr. President, men are wisely presumed to intend the natural consequences of their conduct, and to seek what their acts seem to promote. Now, the Nebraska bill, on its very face, openly cleared the way for slavery, and it is not wrong to presume that its originators intended the natural consequences of such an act, and sought in this way to extend slavery. Of course they did. And this is the first stage in the crime against Kansas.

"But this was speedily followed by other developments. The barefaced scheme was soon whispered that Kansas must be a slave state. In conformity with this idea was the government of this unhappy territory organized in all its departments; and thus did the president, by whose complicity the prohibition of slavery had been overthrown, lend himself to a new complicity, giving to the conspirators a lease of connivance, amounting even to co-partnership. The governor, secretary, chief justice, associate justices, attorney, and marshal, with a whole caucus of other stipendiaries, nominated by the president and confirmed by the senate, were all commended as friendly to slavery. No man with the sentiments of Washington, or Jefferson, or Franklin, found any favor; nor is it too much to say, that, had these great patriots once more come among us, not one of them, with his recorded, unretracted opinions on slavery, could have been nominated by the president or confirmed by the senate for any post in that territory. With such auspices

the conspiracy proceeded. Even in advance of the Nebraska bill, secret societies were organized in Missouri, ostensibly to protect her institutions, and afterwards, under the name of 'Self-Defensive Associations,' and of 'Blue Lodges,' these were multiplied throughout the western counties of that state, before any counter-movement from the north. It was confidently anticipated that, by the activity of these societies, and the interest of slaveholders every where, with the advantage derived from the neighborhood of Missouri, and the influence of the territorial government, slavery might be introduced into Kansas, quietly but surely, without arousing a conflict — that the crocodile egg might be stealthily dropped in the sun-burnt soil, there to be hatched unobserved until it sent forth its reptile monster.

"But the conspiracy was unexpectedly balked. The debate, which convulsed Congress, had stirred the whole country. Attention from all sides was directed upon Kansas, which at once became the favorite goal of emigration. The bill had loudly declared that its object was 'to leave the people perfectly free to form and regulate their domestic institutions in their own way;' and its supporters every where challenged the determination of the question between freedom and slavery by a competition of emigration. Thus, while opening the territory to slavery, the bill also opened it to emigrants from every quarter, who might by their votes redress the wrong. The populous north, stung by a sharp sense of outrage, and inspired by a noble cause, poured into the debatable land, and promised soon to establish a supremacy of numbers there, involving, of course, a just supremacy of freedom.

"Then was conceived the consummation of the crime against Kansas. What could not be accomplished peaceably was to be accomplished forcibly. The reptile monster, that could not be quietly and securely hatched there, was to be pushed full-grown into the territory. All

efforts were now given to the dismal work of forcing slavery on free soil. In flagrant derogation of the very popular sovereignty, whose name helped to impose this bill upon the country, the atrocious object was now distinctly avowed. And the avowal has been followed by the act. Slavery has been forcibly introduced into Kansas, and placed under the formal safeguards of pretended law. How this was done, belongs to the argument.

In depicting this consummation, the simplest outline, without one word of color, will be best. Whether regarded in its mass or its details, in its origin or its result, it is all blackness, illumined by nothing from itself, but only by the heroism of the undaunted men and women whom it environed. A plain statement of facts will be a picture of fearful truth, which faithful history will preserve in its darkest gallery. In the foreground all will recognize a familiar character, in himself a connecting link between the president and the border ruffian, — less conspicuous for ability than for the exalted place he has occupied, — who once sat in the seat where you now sit, sir; where once sat John Adams and Thomas Jefferson; also, where once sat Aaron Burr. I need not add the name of David R. Atchison. You have not forgotten that, at the session of Congress immediately succeeding the Nebraska bill, he came tardily to his duty here, and then, after a short time, disappeared. The secret has been long since disclosed. Like Catiline, he stalked into this chamber, reeking with conspiracy — *immo in senatum venit*; and then, like Catiline, he skulked away — *abiit, excessit, evasit, erupit* — to join and provoke the conspirators, who at a distance awaited their congenial chief. Under the influence of his malign presence the crime ripened to its fatal fruits, while the similitude with Catiline was again renewed in the sympathy, not even concealed, which he found in the very senate itself, where, beyond even the

Roman example, a senator has not hesitated to appear as his open compurgator. * * *

"Thus was the crime consummated. Slavery now stands erect, clanking its chains on the territory of Kansas, surrounded by a code of death, and trampling upon all cherished liberties, whether of speech, the press, the bar, the trial by jury, or the electoral franchise. And, sir, all this has been done, not merely to introduce a wrong which in itself is a denial of all rights, and in dread of which a mother has lately taken the life of her offspring; not merely, as has been sometimes said, to protect slavery in Missouri, since it is futile for this state to complain of freedom on the side of Kansas, when freedom exists without complaint on the side of Iowa and also on the side of Illinois; but it has been done for the sake of political power, in order to bring two new slaveholding senators upon this floor, and thus to fortify in the national government the desperate chances of a waning oligarchy. As the ship, voyaging on pleasant summer seas, is assailed by a pirate crew, and robbed for the sake of its doubloons and dollars, so is this beautiful territory now assailed in its peace and prosperity, and robbed, in order to wrest its political power to the side of slavery. Even now the black flag of the land pirates from Missouri waves at the mast head; in their laws you hear the pirate yell, and see the flash of the pirate knife; while, incredible to relate! the president, gathering the slave power at his back, testifies a pirate sympathy.

Sir, all this was done in the name of popular sovereignty. And this is the close of the tragedy. Popular sovereignty, which, when truly understood, is a fountain of just power, has ended in popular slavery; not merely in the subjection of the unhappy African race, but of this proud Caucasian blood, which you boast. The profession with which you began, of *all by the people*, has been lost in the

wretched reality of *nothing for the people*. Popular sovereignty, in whose deceitful name plighted faith was broken, and an ancient landmark of freedom was overturned, now lifts itself before us, like Sin, in the terrible picture of Milton, —

‘That seemed a woman to the waist, and fair,
But ended foul in many a scaly fold
Voluminous and vast, a serpent armed
With mortal sting; about her middle round
A cry of hell-hounds never ceasing barked
With wide Cerberean mouths full loud, and rung
A hideous peal; yet, when they list, would creep,
If aught disturbed their noise, into her womb,
And kennel there, yet there still barked and howled
Within, unseen.’

The image is complete at all points; and, with this exposure, I take my leave of the crime against Kansas. * * *

“Sir, the crime cannot be denied. The president himself has admitted ‘illegal and reprehensible’ conduct. To such conclusion he was compelled by irresistible evidence; but what he mildly describes I openly arraign. Senators may affect to put it aside by a sneer; or to reason it away by figures; or to explain it by a theory, such as desperate invention has produced on this floor, that the assassins and thugs of Missouri were in reality citizens of Kansas; but all these efforts, so far as made, are only tokens of the weakness of the cause, while to the original crime they add another offence of false testimony against innocent and suffering men. But the APOLOGIES for the crime are worse than the efforts at denial. In cruelty and heartlessness they identify their authors with the great transgression.

“They are four in number, and fourfold in character. The first is the apology *tyrannical*; the second, the apology *imbecile*; the third, the apology *absurd*; and the fourth, the apology *infamous*. This is all. Tyranny, imbecility, absurdity, and infamy, all unite to dance, like the weird sisters, about this crime.

“The apology *tyrannical* is founded on the mistaken act of Governor Reeder, in authenticating

the usurping legislature, by which it is asserted that, whatever may have been the actual force or fraud in its election, the people of Kansas are effectually concluded, and the whole proceeding is placed under the formal sanction of law. According to this assumption, complaint is now in vain, and it only remains that Congress should sit and hearken to it, without correcting the wrong, as the ancient tyrant listened and granted no redress to the human moans that issued from the heated brazen bull, which subtle cruelty had devised. This I call the apology of technicality inspired by tyranny. * * *

“Next comes the apology *imbecile*, which is founded on the alleged want of power in the president to arrest this crime. It is openly asserted, that, under the existing laws of the United States, the chief magistrate had no authority to interfere in Kansas for this purpose. Such is the broad statement, which, even if correct, furnishes no apology for any proposed ratification of the crime, but which is in reality untrue; and this I call the apology of imbecility.

“In other matters, no such ostentatious imbecility appears. Only lately, a vessel of war in the Pacific has chastised the cannibals of the Feejee Islands for alleged outrages on American citizens. But no person of ordinary intelligence will pretend that American citizens in the Pacific have received wrongs from these cannibals comparable in atrocity to those received by American citizens in Kansas. Ah, sir, the interests of slavery are not touched by any chastisement of the Feejees!

“Constantly we are informed of efforts at New York, through the agency of the government, and sometimes only on the breath of suspicion, to arrest vessels about to sail on foreign voyages in violation of our neutrality laws or treaty stipulations. Now, no man familiar with the cases will presume to suggest that the urgency for these arrests was equal to the urgency for interposition against these successive invasions

from Missouri. But the slave power is not disturbed by such arrests at New York!

"At this moment, the president exults in the vigilance with which he has prevented the enlistment of a few soldiers, to be carried off to Halifax, in violation of our territorial sovereignty, and England is bravely threatened, even to the extent of a rupture of diplomatic relations, for her endeavor, though unsuccessful, and at once abandoned. Surely no man in his senses will urge that this act was any thing but trivial by the side of the crime against Kansas. But the slave power is not concerned in this controversy.

"Thus, where the slave power is indifferent, the president will see that the laws are faithfully executed; but, in other cases, where the interests of slavery are at stake, he is controlled absolutely by this tyranny, ready at all times to do, or not to do, precisely as it dictates. Therefore it is that Kansas is left a prey to the propagandists of slavery, while the whole treasury, the army and navy of the United States, are lavished to hunt a single slave through the streets of Boston. You have not forgotten the latter instance; but I choose to refresh it in your minds. * * *

"Next comes the apology *absurd*, which is, indeed, in the nature of a pretext. It is alleged that a small printed pamphlet, containing the 'Constitution and Ritual of the Grand Encampment and Regiments of the Kansas Legion,' was taken from the person of one George F. Warren, who attempted to avoid detection by chewing it. The oaths and grandiose titles of the pretended legion have all been set forth, and this poor mummery of a secret society, which existed only on paper, has been gravely introduced on this floor, in order to extenuate the crime against Kansas. * * *

"It only remains, under this head, that I should speak of the apology *infamous*; founded on false testimony against the Emigrant Aid Company, and assumptions of duty more false

than the testimony. Defying truth and mocking decency, this apology excels all others in futility and audacity, while, from its utter hollowness, it proves the utter impotence of the conspirators to defend their crime. Falsehood, always infamous, in this case arouses peculiar scorn. An association of sincere benevolence, faithful to the constitution and laws, whose only fortifications are hotels, school houses, and churches; whose only weapons are saw-mills, tools, and books; whose mission is peace and good will, has been falsely assailed on this floor, and an errand of blameless virtue has been made the pretext for an unpardonable crime. Nay, more—the innocent are sacrificed, and the guilty set at liberty. They who seek to do the mission of the Saviour are scourged and crucified, while the murderer, Barabbas, with the sympathy of the chief priests, goes at large. * * *

"The falsehood of the whole accusation will appear in illustrative specimens.

"A charter is set out, section by section, which though originally granted, was subsequently abandoned, and is not in reality the charter of the company, but is materially unlike it.

"The company is represented as 'a powerful corporation, with a capital of five millions;' when, by its actual charter, it is not allowed to hold property above one million, and, in point of fact, its capital has not exceeded one hundred thousand dollars.

"Then, again, it is suggested, if not alleged, that this enormous capital, which I have already said does not exist, is invested in 'cannon and rifles, in powder and lead, and implements of war'—all of which, whether alleged or suggested, is absolutely false. The officers of the company authorize me to give to this whole pretension a point-blank denial.

"All these allegations are of small importance, and I mention them only because they show the character of the report, and also something of the quicksand on which the senator from

Illinois has chosen to plant himself. But these are all capped by the unblushing assertion that the proceedings of the company were 'in perversion of the plain provisions of an act of Congress;' and also, another unblushing assertion, as 'certain and undeniable,' that the company was formed to promote certain objects, 'regardless of the rights and wishes of the people, as guaranteed by the constitution of the United States, and secured by their organic law;' when it is certain and undeniable that the company has done nothing in perversion of any act of Congress, while to the extent of its power it has sought to protect the rights and wishes of the actual people in the territory.

"Sir, this company has violated in no respect the constitution or laws of the land; not in the severest letter or the slightest spirit. But every other imputation is equally baseless. It is not true, as the senator from Illinois has alleged, in order in some way to compromise the company, that it was informed before the public of the date fixed for the election of the legislature. This statement is pronounced by the secretary, in a letter now before me, 'an unqualified falsehood, not having even the shadow of a shade of truth for its basis.' It is not true that men have been hired by the company to go to Kansas; for every emigrant, who has gone under its direction, has himself provided the means for his journey. Of course, sir, it is not true, as has been complained by the senator from South Carolina, with that proclivity to error which marks all his utterances, that men have been sent by the company 'with one uniform gun, Sharpe's rifle;' for it has supplied no arms of any kind to any body. It is not true that the company has encouraged any fanatical aggression upon the people of Missouri; for it has counselled order, peace, forbearance. It is not true that the company has chosen its emigrants on account of their political opinions; for it has asked no questions with regard to the opinions of any whom it aids, and at this mo-

ment stands ready to forward those from the south as well as the north, while, in the territory, all, from whatever quarter, are admitted to an equal enjoyment of its tempting advantages. It is not true that the company has sent persons merely to control elections, and not to remain in the territory; for its whole action, and all its anticipation of pecuniary profits, are founded on the hope to stock the country with permanent settlers, by whose labor the capital of the company shall be made to yield its increase, and by whose fixed interest in the soil the welfare of all shall be promoted.

"Sir, it has not the honor of being an abolition society, or of numbering among its officers abolitionists. Its president is a retired citizen, of ample means and charitable life, who has taken no part in the conflicts on slavery, and has never allowed his sympathies to be felt by abolitionists. One of its vice-presidents is a gentleman from Virginia, with family and friends there, who has always opposed the abolitionists. Its generous treasurer, who is now justly absorbed by the objects of the company, has always been understood as ranging, with his extensive connections by blood and marriage, on the side of that quietism which submits to all the tyranny of the slave power. Its directors are more conspicuous for wealth and science than for any activity against slavery. Among these is an eminent lawyer of Massachusetts, Mr. Chapman, — personally known, doubtless, to some who hear me, — who has distinguished himself by an austere conservatism, too natural to the atmosphere of courts, which does not flinch even from the support of the fugitive slave bill. In a recent address at a public meeting in Springfield, this gentleman thus speaks for himself and his associates: —

"I have been a director of the society from the first, and have kept myself well informed in regard to its proceedings. I am not aware that any one in this community ever suspected me of being an abolitionist; but I have been accused of being pro-slavery; and I believe many good people think I am quite too

conservative on that subject. I take this occasion to say that all the plans and proceedings of the society have met my approbation; and I assert that it has never done a single act with which any political party or the people of any section of the country can justly find fault. The names of its president, Mr. Brown, of Providence, and of its treasurer, Mr. Lawrence, of Boston, are a sufficient guaranty in the estimation of intelligent men against its being engaged in any fanatical enterprise. Its stockholders are composed of men of all political parties except abolitionists. I am not aware that it has received the patronage of that class of our fellow-citizens, and I am informed that some of them disapprove of its proceedings.'

"The acts of the company have been such as might be expected from auspices thus severely careful at all points. The secret through which, with small means, it has been able to accomplish so much, is, that, *as an inducement to emigration, it has gone forward and planted capital in advance of population.* According to the old immethodical system, this rule is reversed, and population has been left to grope blindly, without the advantage of fixed centres, with mills, schools, and churches — all calculated to soften the hardships of pioneer life — such as have been established beforehand in Kansas. Here, sir, is the secret of the Emigrant Aid Company. By this single principle, which is now practically applied for the first time in history, and which has the simplicity of genius, a business association at a distance, without a large capital, has become a beneficent instrument of civilization, exercising the functions of various societies, and in itself being a missionary society, a Bible society, a tract society, an education society, and a society for the diffusion of the mechanic arts. * * *

"God be praised! Massachusetts, honored commonwealth that gives me the privilege to plead for Kansas on this floor, knows her rights, and will maintain them firmly to the end. This is not the first time in history that her public acts have been arraigned, and that her public men have been exposed to contumely. Thus was it when, in the olden time, she began the great battle whose fruits you all enjoy. But

never yet has she occupied a position so lofty as at this hour. By the intelligence of her population — by the resources of her industry — by her commerce, cleaving every wave — by her manufactures, various as human skill — by her institutions of education, various as human knowledge — by her institutions of benevolence, various as human suffering — by the pages of her scholars and historians — by the voices of her poets and orators, she is now exerting an influence more subtle and commanding than ever before — shooting her far-darting rays wherever ignorance, wretchedness, or wrong, prevail, and flashing light even upon those who travel far to persecute her. Such is Massachusetts, and I am proud to believe that you may as well attempt, with puny arm, to topple down the earth-rooted, heaven-kissing granite which crowns the historic sod of Bunker Hill, as to change her fixed resolves for freedom every where, and especially now for freedom in Kansas. I exult, too, that in this battle, which surpasses far in moral grandeur the whole war of the revolution, she is able to preserve her just eminence. To the first she contributed a larger number of troops than any other state in the Union, and larger than all the slave states together; and now to the second, which is not of contending armies, but of contending opinions, on whose issue hangs trembling the advancing civilization of the country, she contributes, through the manifold and endless intellectual activity of her children, more of that divine spark by which opinions are quickened into life, than is contributed by any other state, or by all the slave states together, while her annual productive industry excels in value three times the whole vaunted cotton crop of the whole south.

"Sir, to men on earth it belongs only to deserve success; not to secure it; and I know not how soon the efforts of Massachusetts will wear the crown of triumph. But it cannot be that she acts wrong for herself or children,

when in this cause she thus encounters reproach. No; by the generous souls who were exposed at Lexington; by those who stood arrayed at Bunker Hill; by the many from her bosom who, on all the fields of the first great struggle, lent their vigorous arms to the cause of all; by the children she has borne, whose names alone are national trophies, is Massachusetts now vowed irrevocably to this work. What belongs to the faithful servant she will do in all things, and Providence shall determine the result. * * *

"As the apologies were fourfold, so are the REMEDIES proposed fourfold; and they range themselves in natural order, under designations which so truly disclose their character as even to supersede argument. First, we have the remedy of tyranny; next, the remedy of folly; next, the remedy of injustice and civil war; and fourthly, the remedy of justice and peace. There are the four caskets; and you are to determine which shall be opened by senatorial votes.

"There is the *remedy of tyranny*, which, like its complement, the apology of tyranny — though espoused on this floor, especially by the senator from Illinois — proceeds from the president, and is embodied in a special message. It proposes to enforce obedience to the existing laws of Kansas, 'whether federal or local,' when, in fact, Kansas has no 'local' laws except those imposed by the usurpation from Missouri, and it calls for additional appropriations to complete this work of tyranny. * * *

"Next comes the *remedy of folly*, which, indeed, is also a remedy of tyranny; but its folly is so surpassing as to eclipse even its tyranny. It does not proceed from the president. With this proposition he is not in any way chargeable. It comes from the senator from South Carolina, who, at the close of a long speech, offered it as his single contribution to the adjustment of this question, and who thus far stands alone in its support. It might, therefore, fitly bear his

name; but that which I now give to it is a more suggestive synonyme.

"This proposition, nakedly expressed, is that the people of Kansas should be deprived of their arms. That I may not do the least injustice to the senator, I quote his precise words: —

" 'The president of the United States is under the highest and most solemn obligations to interpose; and if I were to indicate the manner in which he should interpose in Kansas, I would point out the old common-law process. I would serve a warrant on Sharpe's rifles, and if Sharpe's rifles did not answer the summons and come into court on a day certain, or if they resisted the sheriff, I would summon the *posse comitatus*, and would have Colonel Sumner's regiment to be a part of that *posse comitatus*.'

"Really, sir, has it come to this? The rifle has ever been the companion of the pioneer, and under God, his tutelary protector against the red man and the beast of the forest. Never was this efficient weapon more needed in just self-defence, than now in Kansas, and at least one article in our national constitution must be blotted out, before the complete right to it can in any way be impeached. And yet such is the madness of the hour, that, in defiance of the solemn guaranty, embodied in the amendments to the constitution, that 'the right of the people to keep and bear arms shall not be infringed,' the people of Kansas have been arraigned for keeping and bearing them, and the senator from South Carolina has had the face to say openly, on this floor, that they should be disarmed — of course, that the fanatics of slavery, his allies and constituents, may meet no impediment. * * *

"Next comes the *remedy of injustice and civil war* — organized by act of Congress. This proposition, which is also an offshoot of the original remedy of tyranny, proceeds from the senator from Illinois, [Mr. Douglas,] with the sanction of the committee on territories, and is embodied in the bill which is now pressed to a vote.

"By this bill it is proposed, as follows: —

" 'That whenever it shall appear, by a census to be taken under the direction of the governor, by the

authority of the legislature, that there shall be ninety-three thousand four hundred and twenty inhabitants (that being the number required by the present ratio of representation for a member of Congress) within the limits hereafter described as the territory of Kansas, *the legislature of said territory shall be, and is hereby, authorized to provide by law for the election of delegates*, by the people of said territory, to assemble in convention and form a constitution and state government, preparatory to their admission into the Union on an equal footing with the original states in all respects whatsoever, by the name of the state of Kansas.'

"Now, sir, consider these words carefully, and you will see that, however plausible and velvet-pawed they may seem, yet in reality they are most unjust and cruel. While affecting to initiate honest proceedings for the formation of a state, they furnish to this territory no redress for the crime under which it suffers; nay, they recognize the very usurpation in which the crime ended, and proceed to endow it with new prerogatives. It is by the authority of the legislature that the census is to be taken, which is the first step in the work. It is also by the authority of the legislature that a convention is to be called for the formation of a constitution, which is the second step. But the legislature is not obliged to take either of these steps. To its absolute wilfulness is it left to act or not to act in the premises. And since, in the ordinary course of business, there can be no action of the legislature till January of the next year, all these steps, which are preliminary in their character, are postponed till after that distant day; thus keeping this great question open, to distract and irritate the country. Clearly this is not what is required. The country desires peace at once, and is determined to have it. But this objection is slight by the side of the glaring tyranny, that, in recognizing the legislature and conferring upon it these new powers, the bill recognizes the existing usurpation, not only as the authentic government of the territory for the time being, but also as possessing a creative power to reproduce itself in the new state. Pass this bill, and you enlist Congress in the con-

spiracy, not only to keep the people of Kansas in their present subjugation, throughout their territorial existence, but also to protract this subjugation into their existence as a state, while you legalize and perpetuate the very force by which slavery has been already planted there. * * *

"Next, and lastly, comes the *remedy of justice and peace*, proposed by the senator from New York, [Mr. Seward,] and embodied in his bill for the immediate admission of Kansas as a state of this Union, now pending as a substitute for the bill of the senator from Illinois. This is sustained by the prayer of the people of the territory, setting forth a constitution formed by a spontaneous movement, in which all there had opportunity to participate, without distinction of party. Rarely has any proposition, so simple in character, so entirely practicable, so absolutely within your power, been presented, which promised at once such beneficent results. In its adoption, the crime against Kansas will be all happily absolved, the usurpation which it established will be peacefully suppressed, and order will be permanently secured. By a joyful metamorphosis, this fair territory may be saved from outrage.

'O help,' she cries, 'in this extremest need,
If you who hear are deities indeed;
Gape, earth, and make for this dread foe a tomb,
Or change my form, whence all my sorrows come.'

"In offering this proposition, the senator from New York has entitled himself to the gratitude of the country. He has, throughout a life of unsurpassed industry, and of eminent ability, done much for freedom, which the world will not let die; but he has done nothing more opportune than this, and he has uttered no words more effective than the speech, so masterly and ingenious, by which he has vindicated it. * *

"Mr. President, an immense space has been traversed, and I now stand at the goal. The argument in its various parts is here closed. The crime against Kansas has been displayed, in its origin and extent, beginning with the overthrow of the prohibition of slavery; next

cropping out in conspiracy on the borders of Missouri; then hardening into a continuity of outrage, through organized invasions and miscellaneous assaults, in which all security was destroyed, and ending at last in the perfect subjugation of a generous people to an unprecedented usurpation. Turning aghast from the crime, which, like murder, seemed to confess itself 'with most miraculous organ,' we have looked with mingled shame and indignation upon the four apologies, whether of tyranny, imbecility, absurdity, or infamy, in which it has been wrapped, marking especially the false testimony, congenial with the original crime, against the Emigrant Aid Company. Then were noted, in succession, the four remedies, whether of tyranny — folly — injustice and civil war — or justice and peace, which last bids Kansas, in conformity with past precedents and under the exigencies of the hour, in order to redeem her from usurpation, to take a place as a sovereign state of the Union; and this is the true remedy. If in this argument I have not unworthily vindicated truth, then have I spoken according to my desires; if imperfectly, then only according to my powers. But there are other things, not belonging to the argument, which still press for utterance.

"Sir, the people of Kansas, bone of your bone and flesh of your flesh, with the education of freemen and the rights of American citizens, now stand at your door. Will you send them away, or bid them enter? Will you push them back to renew their struggles with a deadly foe, or will you preserve them in security and peace? Will you cast them again into the den of tyranny, or will you help their despairing efforts to escape? These questions I put with no common solicitude; for I feel that on their just determination depend all the most precious interests of the republic; and I perceive too clearly the prejudices in the way, and the accumulating bitterness against this distant people, now claiming their simple birthright, while I am

bowed with mortification, as I recognize the president of the United States, who should have been a staff to the weak and a shield to the innocent, at the head of this strange oppression.

"At every stage, the similitude between the wrongs of Kansas, and those other wrongs against which our fathers rose, becomes more apparent. Read the Declaration of Independence, and there is hardly an accusation which is there directed against the British monarch, which may not now be directed with increased force against the American president. The parallel has a fearful particularity. Our fathers complained that the king had 'sent hither swarms of officers, to harass our people, and eat out their substance;' that he 'had combined, with others, to subject us to a jurisdiction foreign to our constitution, giving his assent to their acts of pretended legislation;' that 'he had abdicated government here, by declaring us out of his protection, and waging war against us;' that 'he had excited domestic insurrection among us, and endeavored to bring on the inhabitants of our frontier the merciless savages;' that 'our repeated petitions have been answered only by repeated injury.' And this arraignment was aptly followed by the damning words, that 'a prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.' And surely, a president who has done all these things cannot be less unfit than a prince. At every stage, the responsibility is brought directly to him. His offence has been both of commission and omission. He has done that which he ought not to have done, and he has left undone that which he ought to have done. By his activity the prohibition of slavery was overturned. By his failure to act, the honest emigrants in Kansas have been left a prey to wrong of all kinds. *Nullum flagitium exstilit, nisi per te; nullum flagitium sine te.* And now he stands forth the most conspicuous enemy of that unhappy territory.

"As the tyranny of the British king is all

renewed in the president, so on this floor have the old indignities been renewed, which embittered and fomented the troubles of our fathers. The early petition of the American Congress to Parliament, long before any suggestion of independence, was opposed, like the petitions of Kansas, because that body 'was assembled without any requisition on the part of the supreme power.' Another petition from New York, presented by Edmund Burke, was flatly rejected, as claiming rights derogatory to parliament. And still another petition from Massachusetts Bay was dismissed as 'vexatious and scandalous,' while the patriot philosopher who bore it was exposed to peculiar contumely. Throughout the debates, our fathers were made the butt of sorry jests and supercilious assumptions. And now these scenes, with these precise objections, have been renewed in the American senate.

"With regret I come again upon the senator from South Carolina, [Mr. Butler,] who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a state; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the senator touches nothing which he does not disfigure with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot open his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers

in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas; not knowing that, however they may differ in genius and fame, in this experience they are alike—that Franklin, when intrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a 'thief,' even as the agent of Kansas has been assaulted on this floor, and denounced as a 'forger.' And let not the vanity of the senator be inspired by the parallel with the British statesmen of that day; for it is only in hostility to freedom that any parallel can be recognized.

"But it is against the people of Kansas that the sensibilities of the senator are particularly aroused. Coming, as he announces, 'from a state,'—ay, sir, from South Carolina,—he turns with lordly disgust from this newly-formed community, which he will not recognize even as 'a body politic.' Pray, sir, by what title does he indulge in this egotism? Has he read the history of 'the state' which he represents? He cannot, surely, have forgotten its shameful imbecility from slavery, confessed throughout the revolution, followed by its more shameful assumptions for slavery since. He cannot have forgotten its wretched persistence in the slave trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on 'a settled freehold estate or ten negroes.' And yet the senator, to whom that 'state' has in part committed the guardianship of its good name, instead of moving with backward-treading steps, to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it, by provoking a comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries, where Kansas

counts by years. But a beneficent example may be born in a day; and I venture to say, that against the two centuries of the older 'state,' may be already set the two years of trial, evolving corresponding virtue, in the younger community. In the one, is the long wail of slavery; in the other, the hymns of freedom. And if we glance at special achievements, it will be difficult to find any thing in the history of South Carolina which presents so much of heroic spirit in an heroic cause, as appears in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to freedom. The matrons of Rome, who poured their jewels into the treasury for the public defence; the wives of Prussia, who, with delicate fingers, clothed their defenders against French invasion; the mothers of our own revolution, who sent forth their sons, covered over with prayers and blessings, to combat for human rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the senator to his present seat on this floor, civilization might lose — I do not say how little, but surely less than it has already gained by the example of Kansas, in its valiant struggle against oppression, and in the development of a new science of emigration. Already in Lawrence alone there are newspapers and schools, including a high school; and throughout this infant territory there is more of mature scholarship, in proportion to its inhabitants, than in all South Carolina. Ah, sir, I tell the senator that Kansas, welcomed as a free state, will be a 'ministering angel' to the republic, when South Carolina, in the cloak of darkness which she hugs, 'lies howling.'

"The senator from Illinois [Mr. Douglas] naturally joins the senator from South Carolina in this warfare, and gives to it the superior

intensity of his nature. He thinks that the national government has not completely proved its power, as it has never hanged a traitor; but, if the occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country. Again occurs the parallel with the struggles of our fathers, and I borrow the language of Patrick Henry, when, to the cry from the senator of 'Treason, treason,' I reply, 'If this be treason, make the most of it.' Sir, it is easy to call names; but I beg to tell the senator that if the word 'traitor' is in any way applicable to those who refuse submission to a tyrannical usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented, to designate those mad spirits who would endanger and degrade the republic, while they betray all the cherished sentiments of the fathers, and the spirit of the constitution, in order to give new spread to slavery. Let the senator proceed. It will not be the first time in history that a scaffold erected for punishment has become a pedestal of honor. Out of death comes life, and the 'traitor' whom he blindly executes will live immortal in the cause.

'For humanity sweeps onward; where to-day the martyr stands,
On the morrow crouches Judas, with the silver in his hands;
While the hooting mob of yesterday in silent awe return
To glean up the scattered ashes into history's golden urn.'

"Among these hostile senators there is yet another, with all the prejudices of the senator from South Carolina, but without his generous impulses, who, on account of his character before the country, and the rancor of his opposition, deserves to be named. I mean the senator from Virginia, [Mr. Mason,] who, as the author of the fugitive slave bill, has associated himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in the support of slavery. He holds

the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the book of life. It is proper that such a senator, representing such a state, should rail against free Kansas. * * *

"In this contest, Kansas bravely stands forth — the stripling leader, clad in the panoply of American institutions. In calmly meeting and adopting a frame of government, her people have with intuitive promptitude performed the duties of freemen; and when I consider the difficulties by which she was beset, I find dignity in her attitude. In offering herself for admission into the Union as a free state, she presents a single issue for the people to decide. And since the slave power now stakes on this issue all its ill-gotten supremacy, the people, while vindicating Kansas, will at the same time overthrow this tyranny. Thus does the contest which she now begins involve not only liberty for herself, but for the whole country. God be praised that she did not bend ignobly beneath the yoke! Far away on the prairies, she is now battling for the liberty of all, against the president, who misrepresents all. Every where among those who are not insensible to right, the generous struggle meets a generous response. From innumerable throbbing hearts go forth the very words of encouragement which, in the sorrowful days of our fathers, were sent by Virginia, speaking by the pen of Richard Henry Lee, to Massachusetts, in the person of her popular tribune, Samuel Adams: —

'CHANTILLY, VA., June 23, 1774.

'I hope the good people of Boston will not lose their spirits, under their present heavy oppression, for they will certainly be supported by the other colonies; and the cause for which they suffer is so glorious and so deeply interesting to the present and future generations, that all America will owe, in a great measure, their political salvation to the present virtue of Massachusetts Bay.' — *American Archives*, 4th series, Vol. I. p. 446.

"In all this sympathy there is strength. But in the cause itself there is angelic power. Unseen of men, the great spirits of history combat by the side of the people of Kansas, breathing a divine courage. Above all towers the majestic form of Washington, once more, as on the bloody field, bidding them to remember those rights of human nature for which the war of independence was waged. Such a cause, thus sustained, is invincible.

"The contest, which, beginning in Kansas, has reached us, will soon be transferred from Congress to a broader stage, where every citizen will be not only spectator, but actor; and to their judgment I confidently appeal. To the people, now on the eve of exercising the electoral franchise, in choosing a chief magistrate of the republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that territory. Let the voters every where, while rejoicing in their own rights, help to guard the equal rights of distant fellow-citizens; that the shrines of popular institutions, now desecrated, may be sanctified anew; that the ballot-box, now plundered, may be restored; and that the cry, 'I am an American citizen,' may not be sent forth in vain against outrage of every kind. In just regard for free labor in that territory, which it is sought to blast by unwelcome association with slave labor; in Christian sympathy with the slave, whom it is proposed to task and to sell there; in stern condemnation of the crime which has been consummated on that beautiful soil; in rescue

of fellow-citizens now subjugated to a tyrannical usurpation; in dutiful respect for the early fathers, whose aspirations are now ignobly thwarted; in the name of the constitution, which has been outraged; of the laws trampled down; of justice banished; of humanity degraded; of peace destroyed; of freedom crushed to earth; and in the name of the heavenly Father, whose service is perfect freedom, I make this last appeal."

One consequence of this speech was a most melancholy and disgraceful occurrence, the record of which it is painful to be obliged to make. On the 22d of May, after the senate adjourned, while Mr. Sumner was writing at his desk in the senate chamber, Mr. Preston S. Brooks, a member of the house from South Carolina, and a nephew of Mr. Butler, came up to him, and denouncing him as a libeller of South Carolina and a slanderer of his relative, said that he was about to chastise him. Then, while two of his colleagues stood near to prevent interference, the South Carolina member assaulted Mr. Sumner before he could rise from his seat, with a heavy cane of gutta percha, inflicting upon his head repeated and heavy blows till he was prostrate and senseless. This outrage created an intense feeling among the political friends of Mr. Sumner, in and out of Congress, and was condemned by men of all parties. In the senate and in the house indignant speeches were made by the members from Massachusetts and other states; but when in the house an attempt was made to expel the man who had brought disgrace upon it, there were not votes enough (two thirds being required) to carry it. Mr. Brooks was fined by a criminal court, and one of his coadjutors, Mr. Keitt, was censured, but they retained their seats. The injuries to Mr. Sumner were very serious. It was feared at first that they might terminate fatally; but though that was fortunately not the case, he did not recover his health and

strength so as to resume his duties for a long period, and not until he had been in Europe for some time for the purpose of medical treatment. His seat for three years remained vacant—a sad commentary upon the unhappy occurrence. Before he returned to the senate his assailant had passed away by a painful death.

The committee appointed to investigate the troubles in Kansas, upon their return submitted a voluminous report of the testimony they had taken, and the facts which had come to their knowledge. Their conclusions were, that citizens of Missouri had illegally interfered in Kansas affairs, and that but for the frauds perpetrated by them in the elections, which prevented an expression of the will of the actual settlers, Kansas would be a free state. The committee reported against the admission of either of the contestants, Reeder or Whitfield, to a seat as delegate, and recommended that steps be taken to secure a free and fair election in the territory. Mr. Oliver submitted a minority report, disagreeing with the conclusions of the majority, and to some extent slighting the testimony.

But before the report was acted upon, the committee on territories in the house reported a bill for the admission of Kansas into the Union as a state, with the Topeka constitution. This bill was rejected on the 30th of June by a vote of one hundred and six to one hundred and five. This vote was so close that a reconsideration was carried the next day, and on the 3d of July the bill was passed by a vote of ninety-nine to ninety-seven. In the senate a bill was passed for the purpose of securing a fair expression of the will of the people of Kansas, and allowing the formation of a state constitution; but the bill for admitting Kansas into the Union did not receive the vote of that branch.

Affairs in Kansas continued to grow worse after the sacking of Lawrence. That event and the circumstances attending it, which we

have mentioned somewhat in detail as the crisis in the early history of the territory, served to exasperate the free state settlers, and to excite them to acts of retaliation which they had not before attempted. Some of them had been robbed and driven from their homes, and, becoming desperate, were ready to do any thing to retaliate on their oppressors; but the majority yet hoped for a favorable issue, and that, by peaceful adherence to their principles, Kansas might before long become a free state. They had suffered much by losses, robbery, and forced neglect of their private affairs in the times of excitement, and it was absolutely necessary for most of them to attend to their farms and their business. Those who were less disposed to peace found opportunities to meet parties of marauders belonging to the companies which had come from the south. There were frequent collisions and some bloodshed, and portions of the territory were in a state of civil war,—men of neither party being safe from the guerilla warfare which for a time was carried on. A reference to the pro-slavery papers of the territory and of Western Missouri, of that day, will show how the excitement was kept up and the warfare encouraged. Most of the free state papers were already stopped. To put down this sort of warfare Governor Shannon called on the United States dragoons, and small troops were soon riding through the territory to drive out the marauders. The governor at the same time undertook to disarm the free state people, whether peaceful citizens or not.

Governor Shannon, who never had any qualifications for the post he held, soon made himself obnoxious to his own friends, or rather to the party to whom he had made himself subservient. His course was foolish and inefficient for any good, and by his habits he disgraced the position which he held. When the marauding parties of Missourians and other lawless men of the pro-slavery party were driven out

by the dragoons, they indignantly turned upon the governor, who had called the troops into the field. The governor, therefore, determined to resign, and left the territory for that purpose. He was, however, persuaded to return, and soon after was removed by the president.

As the time for the reassembling of the state legislature, on the 4th of July, approached, the free state men hoped that their cause, which for the time seemed to have been utterly defeated, might receive a new impulse. But orders had been issued from Washington that this legislature must not be permitted to assemble. Governor Robinson was a prisoner, and most of the other leading men of the free state party were out of the territory, either on public business or for personal safety. When the legislature assembled, the members did not all attend, and there was no disposition to resist the orders of the government. Colonel Sumner, who marched to Topeka with a large force of dragoons to enforce the orders, met the legislature at the time appointed for their meeting, and performed what he acknowledged was the most painful duty of his life. No resistance was made, and the legislature dispersed. The war department stated afterwards that it was not satisfied that Colonel Sumner was justifiable in dispersing the meeting at Topeka.

Although the free state cause seemed for the present to be prostrate, quiet was by no means restored. The sacking of Lawrence had aroused the sympathies of the people in the states, and emigrants, prepared for fighting, went into the territory. Such companies were not permitted to enter Kansas through Missouri, and the rights of citizens of the United States were repeatedly violated by the authorities or people of that state. Parties, however, entered the territory through Iowa and Nebraska. The free state men formed military organizations, and several conflicts occurred between them and their opponents with various success, each party taking

prisoners and arms, and numerous lives being lost. The Missourians were again in the field, and the aspect of affairs became worse than ever. Matters were probably not improved by the course of the acting governor, Woodson, who proclaimed the territory in a state of insurrection.

While matters were in this condition, Mr. John W. Geary, of Pennsylvania, who had been appointed to succeed Governor Shannon, went to Kansas to enter upon his duties. He was a man of energy and character, and he proceeded at once to take measures for the pacification of the discordant elements, instead of exciting them, as his predecessor had done. He issued proclamations charging the disturbed state of the territory mainly upon persons residing beyond its limits; announcing his determination to uphold the organic law of the territory, which guaranteed the right of self-government to the people; and demanding obedience to the present laws as long as they were legally in force. He declared that he would do justice at all hazards, knowing no party or section. He soon ordered the disbandment of the volunteer militia, summoned by the late acting governor, and commanded all bodies of men, armed and equipped without authority from the government, to disband, or quit the territory. It was apparent that the new governor was disposed to take a different course from that of the last, and though the free state men had learned not to put much confidence in the officers appointed by the federal government, they by degrees became more assured of his intentions to do justice. The election for members of the territorial legislature and delegate to Congress was to take place early in October, and the governor promised that measures should be taken to protect the settlers from invasion on that day. These and other measures served in some degree to restore quiet.

CHAPTER VII.

Relations with Spain. — Mr. Perry and Mr. Soulé. — Relations with Great Britain. — Violation of Neutrality Laws by the British Minister. — The British Government requested to recall the Minister and certain Consuls. — Refusal. — Mr. Crampton dismissed and Exequaturs of British Consuls revoked. — Presidential Nominations. — The Canvass. — The Result of the Election.

BUT the affairs of Kansas did not wholly occupy public attention in 1856, although, from the importance of the principles involved and the effect of the contest there upon the future of our country, we have given much space to them.

After the return of Mr. Soulé from Spain, Mr. Perry, the United States secretary of legation at that court, had charge of the negotiations, and an arrangement was effected by which the difficulties and demands between the two countries could be settled. The idea of purchasing Cuba having subsided for the present, the relations between the countries became more friendly. In a letter to the president Mr. Perry reviewed the difficulties which had arisen between himself and Mr. Soulé, and also the manner in which the latter had conducted negotiations, charging him with misapprehending the feelings of the people of Spain and transmitting erroneous information to Washington. It was quite evident that Mr. Perry was correct in some of his statements, but the administration deemed it proper to recall him.

During the spring the friendly relations between the United States and England were somewhat disturbed by the proceedings of the British minister at Washington, Mr. Crampton, and several of the British consuls in the United States, in relation to enlistments for the British army. These proceedings occurred the preceding year, as already mentioned, and certain persons were prosecuted at Philadelphia for violating the neutrality laws, by procuring such enlistments for service against a power (Russia)

with whom the United States were at peace. A remonstrance against these proceedings was sent to the British government, and the subject occasioned some diplomatic correspondence, in the course of which it was declared that the British government had, while seeking to increase their forces by recruits coming from the United States into the provinces, given express orders that nothing should be done to infringe the neutrality laws of the United States. And the English government had also, when complaint was made, given orders to stop all arrangements for the enlistment of such recruits coming from the United States. The recruiting, however, in some form continued, and occasioned fresh complaints. It appeared, too, that the British minister at Washington, and the British consuls at New York, Philadelphia, and Cincinnati, were more or less directly concerned in the proceedings. The government, therefore, requested that those agents be recalled by the English government. To this request, while disavowing any intention to infringe the neutrality laws or to give any cause of offence to the United States, the British government refused to accede, stating that it was not believed that those agents had given any cause for such a demand. The United States government, while accepting the conciliatory and apologetic course of the British ministry with regard to the enlistments, insisted that the representatives of England, above named, had persisted in acting in violation of the known wishes of the government and the neutrality laws; and as the British government did not see fit to recall them, the president determined to discontinue further intercourse with Mr. Crampton as minister from that government, and revoked the exequaturs of the British consuls at New York, Philadelphia, and Cincinnati.

This dismissal of Mr. Crampton occasioned some discussion both in the United States and England, where there were not a few who did

not disapprove of the president's course. The affair, however, though it was expected to produce some irritation, was not such as could be considered a serious cause of offence, and friendly relations between the two countries were soon resumed. In due time the British government sent Lord Napier to be Mr. Crampton's successor.

The subject of the most general and intense interest during this year was the presidential canvass. On the 22d of February, the national convention of the American party assembled at Philadelphia, and nominated Ex-President Fillmore for the presidency and Andrew J. Donelson, of Tennessee, for the vice-presidency. There had been a warm contest, just previous, in the "national council" of the party, in relation to their principles, or platform, and as the principles adopted were not satisfactory to many of the northern men, they refused to be bound by them or by the nomination of the party.

On the second day of June, the Democratic national convention was held at Cincinnati. There were three leading candidates for the nomination, President Pierce, Mr. Douglas, and Mr. Buchanan. Great efforts were made by the friends of these several gentlemen to secure the nomination of their favorite, and there were some not very friendly thrusts at some of the candidates. On the seventeenth ballot James Buchanan, of Pennsylvania, received the unanimous nomination. The result appeared to give general satisfaction to the party, and was regarded on all sides as the strongest nomination which the Democratic party could make. J. C. Breckinridge, of Kentucky, was nominated for the vice-presidency.

On the 17th of June, the national convention of the Republican party was held at Philadelphia. This party, by its declared principles, stood most directly in opposition to the Democratic party and its policy. The principal candidates were John C. Fremont, of California, and John McLean, of Ohio, an associate justice

of the Supreme Court of the United States. Upon the first formal ballot Colonel Fremont received all the ballots but thirty-eight, and the nomination was then made unanimous. William L. Dayton, of New Jersey, was then nominated for the vice-presidency.

The members of the American party who were dissatisfied with the declared principles of that party and with the nomination of Mr. Fillmore held a convention in New York, where they expressed their preference for Nathaniel P. Banks, of Massachusetts, for the presidency, and William F. Johnston, of Pennsylvania, for the vice-presidency. The convention then presented these names to the Republican convention. The latter having made their nominations, the American convention nominated Colonel Fremont for the presidency, and Mr. Johnston for the vice-presidency. For some time there appeared to be a difficulty in uniting these two parties in a way which should give their combined vote to their candidate for the presidency. This was finally arranged in most of the states where the dissenting Americans had an organization, and a union of forces was thus effected.

After the adjournment of Congress, which took place on the 18th of August, public attention was turned almost entirely to the presidential canvass. It was carried on with much spirit and not a little acrimony, the affairs of Kansas furnishing a subject for much of the controversy. The Republican party was confined chiefly to the free states, their policy being to restrain the further extension of slavery; but in some of the border states, especially in Missouri, there were considerable numbers who supported their principles and nominations. The American and the Democratic party, of course, were organized in all the states; but the contest was really between the Democratic and Republican parties. At last the important day came when the nation — of twenty millions — should declare their

choice for the highest office in the republic; and notwithstanding the previous excitement, and threats, and forebodings, in which the different parties had shared, when the contest was over and the ballots had been cast, all was peace, and the people pursued their ordinary avocations, submitting quietly to the will of the majority.

The result of the election was the success of the Democratic party. James Buchanan was elected president, and John C. Breckinridge was elected vice-president. They received the votes of nineteen states, being one hundred and seventy-four electoral votes. John C. Fremont and William L. Dayton received the votes of eleven states, being one hundred and fourteen electoral votes. Millard Fillmore and A. J. Donelson received the vote of one state, (Maryland,) being eight electoral votes. The popular vote was not so strongly in favor of the successful candidates as the electoral vote. The Democratic popular vote in all the states was one million eight hundred and fifty-nine thousand three hundred and thirty-seven; the Republican popular vote was one million three hundred forty-one thousand eight hundred and twelve; and the American popular vote was eight hundred eighty-eight thousand and fifty-five; so that the Democratic party, while they had a majority of fifty-two electoral votes, (out of two hundred and ninety-six cast,) were really in a minority on the popular vote.

CHAPTER VIII.

Second Session of the Thirty-fourth Congress. — President's Message. — International Law. — Privateering. — Rules proposed by Paris Congress. — Mr. Marcy's Letter. — Concurrence of the Russian Government. — Revenue. — Revision of the Tariff. — Atlantic Telegraph. — State of Minnesota. — End of President Pierce's Administration.

THE second session of the thirty-fourth Congress commenced December 1st. The last

annual message of President Pierce was transmitted the next day. In it the president discussed at length the position of parties in the recent canvass, the slavery question, and the policy of the repeal of the Missouri compromise. This part of the message is partisan in its tone and arguments, but as a defence of the policy of the Democratic party on these questions, we submit it to the reader. Whether or not the president's statements and conclusions are just or sustained by history, the careful and candid reader and observer of events may judge.

"It is impossible to misapprehend the great principles, which, by their recent political action, the people of the United States have sanctioned and announced.

"They have asserted the constitutional equality of each and all of the states of the Union as states; they have affirmed the constitutional equality of each and all of the citizens of the United States as citizens, whatever their religion, wherever their birth, or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union; and they have proclaimed their devoted and unalterable attachment to the Union and to the constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the republic.

"In doing this, they have, at the same time, emphatically condemned the idea of organizing in these United States mere geographical parties; of marshalling in hostile array towards each other the different parts of the country, north or south, east or west.

"Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country, had they not been disguised by suggestions

plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character, and, it is to be hoped, transient in their influence.

"Perfect liberty of association for political objects, and the widest scope of discussion, are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence in the intelligence and integrity of the people, do not forbid citizens, either individually or associated together, to attack by writing, speech, or any other methods short of physical force, the constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the government they assail, associations have been formed, in some of the states, of individuals, who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate states of the Union, are really inflamed with desire to change the domestic institutions of existing states. To accomplish their objects, they dedicate themselves to the odious task of depreciating the government organization which stands in their way, and of calumniating, with indiscriminate invective, not only the citizens of particular states, with whose laws they find fault, but all others of their fellow-citizens throughout the country who do not participate with them in their assaults upon the constitution, framed and adopted by our fathers, and claiming for the privileges it has secured, and the blessings it has conferred, the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding states, which they would promote, is beyond their lawful authority; that to them it is a foreign object; that it cannot be effected by any peaceful instrumentality of theirs; that

for them, and the states of which they are citizens, the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and all there is most terrible in foreign, complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty, and an amount of individual and public prosperity, to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men, like the rival monarchies of Europe and Asia. Well knowing that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the United States for civil war by doing every thing in their power to deprive the constitution and the laws of moral authority, and to undermine the fabric of the Union by appeals to passion and sectional prejudice, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

"It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many, otherwise good citizens, have been so inflamed into the passionate condemnation of the domestic institutions of the Southern States, as at length to pass insensibly to almost equally passionate hostility towards their fellow-citizens of those states, and thus finally to fall into temporary fellowship with the avowed and active enemies of the constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the objects they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only

aggravated by their violence and unconstitutional action. A question which is one of the most difficult of all the problems of social institution, political economy, and statesmanship, they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the north finds its inevitable consequence in the growth of a spirit of angry defiance at the south. Thus in the progress of events we had reached that consummation, which the voice of the people has now so pointedly rebuked, of the attempt of a portion of the states, by a sectional organization and movement, to usurp the control of the government of the United States.

"I confidently believe that the great body of those who inconsiderately took this fatal step are sincerely attached to the constitution and the Union. They would, upon deliberation, shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere, unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted indirectly what few men were willing to do directly, that is, to act aggressively against the constitutional rights of nearly one half of the thirty-one states.

"In the long series of acts of indirect aggression, the first was the strenuous agitation, by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.

"The second step in this path of evil consisted of acts of the people of the Northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the Southern States,

and to prevent their extradition when reclaimed according to law and in virtue of express provisions of the constitution. To promote this object, legislative enactments and other means were adopted, to take away or defeat rights which the constitution solemnly guarantied. In order to nullify the then existing act of Congress concerning the extradition of fugitives from service, laws were enacted, in many states, forbidding their officers, under the severest penalties, to participate in the execution of any act of Congress whatever. In this way that system of harmonious coöperation between the authorities of the United States and of the several states, for the maintenance of their common institutions, which existed in the early years of the republic, was destroyed; conflicts of jurisdiction came to be frequent; and Congress found itself compelled, for the support of the constitution, and the vindication of its power, to authorize the appointment of new officers, charged with the execution of its acts, as if they and the officers of the states were the ministers, respectively, of foreign governments in a state of mutual hostility, rather than fellow-magistrates of a common country, peacefully subsisting under the protection of one well-constituted Union. Thus here, also, aggression was followed by reaction; and the attacks upon the constitution at this point did but serve to raise up new barriers for its defence and security.

"The third stage of this unhappy sectional controversy was in connection with the organization of territorial governments, and the admission of new states into the Union. When it was proposed to admit the state of Maine, by separation of territory from that of Massachusetts, and the state of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter, unless with conditions suited to particular views of public policy. The imposition of such a con-

dition was successfully resisted. But, at the same period, the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was, for the time, disposed of by the adoption of a geographical line of limitation.

"In this connection it should not be forgotten, that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that 'the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess;' that is to say, while it remains in a territorial condition, its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of states on a footing of perfect equality with the original states.

"The enactment which established the restrictive geographical line was acquiesced in rather than approved by the states of the Union. It stood on the statute book, however, for a number of years; and the people of the respective states acquiesced in the reënactment of the principle as applied to the state of Texas; and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the statute line, insisted upon applying restriction to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compro-

mise, and, on the part of the north, persistently violating the compact, if compact there was.

"Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the north or the south; and so in effect it was treated on the occasion of the admission of the state of California, and the organization of the territories of New Mexico, Utah, and Washington.

"Such was the state of this question, when the time arrived for the organization of the territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future state of the Union.

"In a long series of decisions, on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights, in questions of the public domain, of religion, of navigation, and of servitude.

"The several states of the Union are, by force of the constitution, co-equal in domestic legislative power. Congress cannot change a law of domestic relation in the state of Maine; no more can it in the state of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute book unrepealed, it remains there only as a monument of error, and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the states, or of their citizens.

"Still, when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause

of the act organizing the territories of Kansas and Nebraska, that repeal was made the occasion of a wide-spread and dangerous agitation.

"It was alleged that, the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

"An act of Congress, while it remains unrepealed; more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact? Between whom was the compact? No distinct, contending powers of the government, no separate sections of the Union, treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and, like any other controverted matter of legislation, received its final shape, and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the north, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the north, of course it could not have had any as to the south, for all such compacts must be mutual, and of reciprocal obligation.

"It has not unfrequently happened that law-givers, with undue estimation of the value of the law they give, or in the view of imparting to it peculiar strength, make it perpetual in terms; but they cannot thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities, and clothed with equal authority. More careful investigation may prove the

law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason and right combine not merely to justify, but to require, its repeal.

"The constitution, supreme as it is over all the departments of the government, legislative, executive, and judicial, is open to amendment by its very terms; and Congress or the states may, in their discretion, propose amendments to it, solemn compact though it in truth is between the sovereign states of the Union. In the present instance, a political enactment, which had ceased to have legal power or authority of any kind, was repealed. The position assumed, that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts; nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the constitution itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

"This argument against the repeal of the statute line in question was accompanied by another of congenial character, and, equally with the former, destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of unceasing assault upon constitutional right.

"The repeal, in terms, of a statute which was already obsolete, and also null for unconstitutionality, could have no influence to ob-

struct or to promote the propagation of conflicting views of political or social institution. When the act organizing the territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement, was to admit settlers from all the states of the Union alike, each with his convictions of public policy and private interest, there to found in their discretion, subject to such limitations as the constitution and acts of Congress might prescribe, new states, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute line of assumed restriction were repealed or not. That repeal did not open to free competition of the diverse opinions and domestic institutions a field which, without such repeal, would have been closed against them: it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute book of an objectionable enactment, unconstitutional in effect and injurious in terms to a large portion of the states.

"Is it the fact that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go every where, in preference to free labor? Is it the fact, that the peculiar domestic institutions of the Southern States possess relatively so much of vigor that, wheresoever an avenue is freely opened to all the world, they will penetrate to the exclusion of those of the Northern States? Is it the fact, that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment, and of the more numerous population of the Northern States?

"The argument of those who advocate the

enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point; if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new territories of the United States.

"Of course, these imputations on the intentions of Congress in this respect, conceived as they were in prejudice, and disseminated in passion, are utterly destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

"While, therefore, in general, the people of the Northern States have never, at any time, arrogated for the federal government the power to interfere directly with the domestic condition of persons in the Southern States, but, on the contrary, have disavowed all such intentions, and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the government, and with acceptance of the necessary consequences, — a civil and servile war, — yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose, when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the constitution and the existence of the Union. Thus, when the acts of some of the states to nullify the existing extradition law imposed upon Congress the

duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new states, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the north against imputed southern encroachments; which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the south, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

"Of this last agitation, one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the territory of Kansas. That was made the battle-field, not so much of opposing factions or interests within itself, as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress which enacted the law for the organization of the territory. And when propagandist colonization of Kansas had thus been undertaken in one section of the Union, for the systematic promotion of its peculiar views of policy, there ensued, as a matter of course, a counter action, with opposite views, in other sections of the Union."

In respect to foreign affairs, the president stated that the "United States continued in the enjoyment of amicable relations with all foreign powers." Negotiations were pending with several governments for the settlement of difficulties of more or less consequence, but with the probability of successful results. In Central America there were some difficulties; especially with New Granada, on account of a riotous attack on the premises of the railroad

company, by which the lives of several American citizens were lost, and much property destroyed. The interests of the citizens of the United States on the routes across the isthmus, which are used so much by them, and are so important as connecting the Atlantic and Pacific states, in the opinion of the president demanded more protection, and if not afforded by the states of Central America, such protection should be given by our own government.

We have already mentioned that the United States had by negotiation endeavored to secure from other powers the recognition of certain principles with regard to the security of enemy's property under a neutral flag, and of a neutral's property on board enemy's ships. The representatives of the great powers of Europe, at the Paris congress of plenipotentiaries, adopted a declaration embodying these two rules, with the addition of two others, one abolishing privateering, and the other requiring that blockades, to be binding, must be maintained by a force sufficient actually to prevent access to the place blockaded. The latter rule the United States were willing to adopt, but to the rule abolishing privateering the president urged objections, as it was likely to affect injuriously the United States; but he proposed to accept it with a further provision that "private property of the subjects or citizens of a belligerent should be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband." This proposition was received favorably by some of the powers, and there was a prospect that the rule would be adopted into the code of international law.

The following is a part of the correspondence on this subject:—

Extract from a Despatch of His Excellency Count Walewski to Count de Sartiges, May, 1856.

"The plenipotentiaries assembled in the congress of Paris have come to an agreement on the terms of a declaration intended to settle

the principles of maritime law in so much as it concerns neutrals during war. Herewith I have the honor to transmit to you a copy of that act, which fully meets the tendencies of our epoch, and at once puts an end to the useless calamities which a custom equally reprobated by reason and by humanity superadded to those which fatally result from a state of war.

"The congress have not overlooked the fact, that their work, in order that it may prove complete, must secure the assent of all the maritime powers, since such governments only as shall have acceded to the arrangement can be mutually bound by it. On this score, we attach peculiar value to the concurrence of the United States, that will not consent, we confidently trust, to hold off from a concert of action which defines a new and essential progress in international relations.

"The determination of the congress at Paris defines the object which it is intended to attain. The clashing constructions given to the rights of neutrals have, up to the last war, proved a source of deplorable conflicts; whilst privateering inflicted on the commerce and navigation of non-belligerent states an injury so much the more grievous, as it gave room for the most calamitous excesses.

"These, count, are the events which, for our part, we are happy in striving to repel, and we feel convinced that the concurrence of the United States will not be withheld in a question every way worthy of the philanthropic spirit of the American people—a question which at once, and in a high degree, concerns the development and security of commercial transactions.

"The plenipotentiaries sent to the congress have, as you may see in protocol number twenty-four, bound themselves, in the name of their respective governments, to enter, for the future, into no arrangement, on the application of maritime law in time of war, without stip-

ulating for a strict observance of the four points resolved by the declaration. The concurrence which we solicit at the hands of those governments which were not represented in the Paris conferences can, consequently, apply to those principles only laid down in said declaration, and which are indivisible.

"LEGATION OF FRANCE IN THE UNITED STATES."

Annex to Protocol No. 23.

DECLARATION.

"The plenipotentiaries who signed the treaty of Paris of the thirtieth of March, one thousand eight hundred and fifty-six, assembled in conference, considering —

"That maritime law, in time of war, has long been the subject of deplorable disputes;

"That the uncertainty of the law, and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents, which may occasion serious difficulties, and even conflicts;

"That it is, consequently, advantageous to establish a uniform doctrine on so important a point;

"That the plenipotentiaries assembled in congress at Paris cannot better respond to the intentions by which their governments are animated, than by seeking to introduce into international relations fixed principles in this respect;

"The above-mentioned plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn declaration: —

"1. Privateering is, and remains, abolished;

"2. The neutral flag covers enemy's goods, with the exception of contraband of war;

"3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag;

"4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

"The governments of the undersigned plenipotentiaries engage to bring the present declaration to the knowledge of the states which have not taken part in the congress of Paris, and to invite them to accede to it.

"Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned plenipotentiaries doubt not that the efforts of their governments to obtain the general adoption thereof will be crowned with full success.

"The present declaration is not and shall not be binding, except between those powers who have acceded, or shall accede, to it.

"Done at Paris, the sixteenth of April, one thousand eight hundred and fifty-six."

[The signatures follow.]

Protocol No. 24. — Sitting of April 16, 1856.

EXTRACT.

"On the proposition of Count Walewski, and recognizing that it is for the general interest to maintain the indivisibility of the four principles mentioned in the 'declaration' signed this day, the plenipotentiaries agree that the powers which shall have signed it, or which shall have acceded to it, cannot hereafter enter into any arrangement in regard to the application of the right of neutrals in time of war, which does not at the same time rest on the four principles which are the object of the said 'declaration.'"

Mr. Marcy to the Count de Sartiges.

"DEPARTMENT OF STATE,
WASHINGTON, July 28, 1856. }

"The undersigned, secretary of state of the United States, has laid before the president 'the declaration concerning maritime law,

adopted by the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, at Paris, on the 16th of April, 1856, which the Count de Sartiges, envoy extraordinary and minister plenipotentiary of France, has presented, in behalf of the emperor of the French, to the government of the United States, for the purpose of obtaining its adhesion to the principles therein contained.

“Nearly two years since, the president submitted, not only to the powers represented in the late congress at Paris, but to all other maritime nations, the second and third propositions contained in that ‘declaration,’ and asked their assent to them as permanent principles of international law. The propositions thus submitted by the president were, —

“‘1. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

“‘2. That the property of neutrals on board an enemy’s vessel is not subject to confiscation, unless the same be contraband of war.’

“It will be perceived that these propositions are substantially the same as the second and third in the ‘declaration’ of the congress at Paris.

“Four of the governments with which negotiations were opened on the subject by the United States have signified their acceptance of the foregoing propositions. Others were inclined to defer acting on them until the return of peace should furnish a more auspicious time for considering such international questions. The proceeding of the congress of the plenipotentiaries at Paris will, as a necessary consequence, defeat the pending negotiations with the United States, if the two following propositions, contained in protocol number twenty-four, are acceded to: first, that the four principles shall be indivisible; and, second,

that the powers which have signed or may accede to the ‘declaration,’ shall not enter into any arrangement, in regard to the application of the right of neutrals in time of war, which does not, at the same time, rest on the four principles which are the object of said ‘declaration.’ As the indivisibility of the four principles, and the limitation upon the sovereign attribute of negotiating with other powers, are not a part of the ‘declaration,’ any nation is at liberty to reject either or both, and to act upon the ‘declaration’ without restriction, acceding to it in whole or in part. In deliberating on this important subject, it behoves all powers to consider, and, if they think proper, to act upon this distinction. All the powers which may accede to that ‘declaration,’ and the subsequent restrictions contained in the twenty-fourth protocol, will assume an obligation which takes from them the liberty of assenting to the propositions submitted to them by the United States, unless they at the same time surrender a principle of maritime law which has never been contested — the right to employ privateers in time of war.

“The second and third principles set forth in the ‘declaration,’ being those submitted to other maritime powers for adoption by this government, it is most anxious to see incorporated, by general consent, into the code of maritime law, and thus placed beyond future controversy or question. Such a result, securing so many advantages to the commerce of neutral nations, might have been reasonably expected, but for the proceedings of the congress at Paris, which require them to be purchased by a too costly sacrifice — the surrender of a right which may well be considered as essential to the freedom of the seas.

“The fourth principle contained in the ‘declaration,’ namely, ‘Blockades, in order to be binding, must be effective, — that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy, — can

hardly be regarded as one falling within that class with which it was the object of the congress to interfere; for this rule has not, for a long time, been regarded as uncertain, or the cause of any 'deplorable disputes.' If there have been any disputes in regard to blockades, the uncertainty was about the facts, but not the law. Those nations which have resorted to what are appropriately denominated 'paper blockades,' have rarely, if ever, undertaken afterwards to justify their conduct upon principle, but have generally admitted the illegality of the practice, and indemnified the injured parties. What is to be adjudged 'a force sufficient really to prevent access to a coast of the enemy,' has often been a severely contested question; and certainly the declaration, which merely reiterates a general undisputed maxim of maritime law, does nothing towards relieving the subject of blockade from that embarrassment. What force is requisite to constitute an effective blockade, remains as unsettled and as questionable as it was before the congress at Paris adopted the 'declaration.'

"In regard to the right to employ privateers, which is declared to be abolished by the first principle put forth in the 'declaration,' there was, if possible, less uncertainty. The right to resort to privateers is as clear as the right to use public armed ships, and as incontestable as any other right appertaining to belligerents. The policy of that law has been occasionally questioned, not, however, by the best authorities; but the law itself has been universally admitted, and most nations have not hesitated to avail themselves of it; it is as well sustained by practice and public opinion as any other to be found in the maritime code.

"There is scarcely any rule of international law which particular nations, in their treaties, have not occasionally suspended or modified in regard to its application to themselves. Two treaties only can be found, in which the contracting parties have agreed to abstain from

the employment of privateers in case of war between them. The first was a treaty between the King of Sweden and the States General of the United Provinces, in 1675. Shortly after it was concluded the parties were involved in war, and the stipulation concerning privateers was entirely disregarded by both. The second was the treaty of 1785, between the United States and the King of Prussia. When this treaty was renewed, in 1799, the clause stipulating not to resort to privateering was omitted. For the last half century there has been no arrangement, by treaty or otherwise, to abolish the right, until the recent proceedings of the plenipotentiaries at Paris.

"By taking the subject of privateering into consideration, that congress has gone beyond its professed object, which was, as it declared, to remove the uncertainty on points of maritime law, and thereby prevent 'differences of opinion between neutrals and belligerents, and, consequently, serious difficulties and even conflicts.' So far as the principle in regard to privateering is concerned, the proceedings of the congress are in the nature of an act of legislation, and seek to change a well-settled principle of international law.

"The interest of commerce is deeply concerned in the establishment of the two principles which the United States has submitted to all maritime powers; and it is much to be regretted that the powers represented in the congress at Paris, fully approving them, should have endangered their adoption by uniting them to another inadmissible principle, and making the failure of all the necessary consequence of the rejection of any one. To three of the four principles contained in the 'declaration,' there would not probably be a serious objection from any quarter; but to the other a vigorous resistance must have been anticipated.

"The policy of the law which allows a resort to privateers has been questioned, for reasons which do not command the assent of this gov-

ernment. Without entering into a full discussion on this point, the undersigned will confront the ordinary and chief objection to that policy by authority which will be regarded with profound respect, particularly in France. In a commentary on the French ordonnance of 1681, Valin says,—

“However lawful and time-honored this mode of warfare may be, it is, nevertheless, disapproved of by some pretended philosophers. According to their notions, such is not the way in which the state and the sovereign are to be served; whilst the profits which individuals may derive from the pursuits are illicit, or at least disgraceful. But this is the language of bad citizens, who, under the stately mask of a spurious wisdom, and of a craftily sensitive conscience, seek to mislead the judgment by a concealment of the secret motive which gives birth to their indifference for the welfare and advantage of the state. Such are as worthy of blame as are those entitled to praise who generously expose their property and their lives to the dangers of privateering.” * * *

“It is fair to presume that the strong desire to ameliorate the severe usages of war by exempting private property upon the ocean from hostile seizure, to the extent it is usually exempted on land, was the chief inducement which led to the ‘declaration,’ by the congress at Paris, that ‘privateering is, and remains, abolished.’

“The undersigned is directed by the president to say, that to this principle of exempting private property upon the ocean, as well as upon the land, applied without restriction, he yields a most ready and willing assent. The undersigned cannot better express the president’s views upon the subject, than by quoting the language of his annual message to Congress, of December 4, 1854:—

“‘The proposition to enter into engagements to forego a resort to privateers, in case this country should be forced into a war with a

great naval power, is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the army and navy, so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them on that broad ground.’

“The reasons in favor of the doctrine that private property should be exempted from seizure in the operations of war, are considered in this enlightened age so controlling as to have secured its partial adoption by all civilized nations; but it would be difficult to find any substantial reasons for the distinction now recognized in its application to such property on land, and not to that which is found upon the ocean.

“If it be the object of the ‘declaration’ adopted at Paris to abolish this distinction, and to give the same security from the ravages of war to the property of belligerent subjects on the ocean as is now accorded to such property upon the land, the congress at Paris has fallen short of the proposed result, by not placing individual effects of belligerents beyond the reach of public armed ships, as well as pri-

vateers. If such property is to remain exposed to seizure by ships belonging to the navy of the adverse party, it is extremely difficult to perceive why it should not, in like manner, be exposed to seizure by privateers, which are in fact but another branch of the public force of the nation commissioning them.

"If the principle of capturing private property on the ocean and condemning it as prize of war be given up, that property would, and of right ought to be, as secure from molestation by public armed vessels as by privateers; but if that principle be adhered to, it would be worse than useless to attempt to confine the exercise of the right of capture to any particular description of the public force of the belligerents. There is no sound principle by which such a distinction can be sustained; no capacity which could trace a definite line of separation proposed to be made; and no proper tribunal to which a disputed question on that subject could be referred for adjustment. The pretence that the distinction may be supported upon the ground that ships not belonging permanently to a regular navy are more likely to disregard the rights of neutrals than those which do belong to such a navy, is not well sustained by modern experience. If it be urged that a participation in the prizes is calculated to stimulate cupidity, that, as a peculiar objection, is removed by the fact that the same passion is addressed by the distribution of prize money among the officers and crews of ships of a regular navy. Every nation which authorizes privateers is as responsible for their conduct as it is for that of its navy, and will, as a matter of prudence, take proper precaution and security against abuses.

"But if such a distinction were to be attempted, it would be very difficult, if not impracticable, to define the particular class of the public maritime force which should be regarded as privateers. 'Deplorable disputes,' more in number, and more difficult of adjustment, would

arise from an attempt to discriminate between privateers and public armed ships.

"If such a discrimination were attempted, every nation would have an undoubted right to declare what vessels should constitute its navy, and what should be requisite to give them the character of public armed ships. These are matters which could not be safely or prudently left to the determination or supervision of any foreign power; yet the decision of such controversies would naturally fall into the hands of predominant naval powers, which would have the ability to enforce their judgments. It cannot be offensive to urge weaker powers to avoid as far as possible such an arbitrament, and to maintain with firmness every existing barrier against encroachments from such a quarter.

"No nation which has a due sense of self-respect will allow any other, belligerent or neutral, to determine the character of the force which it may deem proper to use in prosecuting hostilities; nor will it act wisely if it voluntarily surrenders the right to resort to any means, sanctioned by international law, which, under any circumstances, may be advantageously used for defence or aggression.

"The United States consider powerful navies and large standing armies, as permanent establishments, to be detrimental to national prosperity, and dangerous to civil liberty. The expense of keeping them up is burdensome to the people; they are, in the opinion of this government, in some degree, a menace to peace among nations. A large force, ever ready to be devoted to the purposes of war, is a temptation to rush into it. The policy of the United States has ever been, and never more than now, adverse to such establishments; and they can never be brought to acquiesce in any change in international law which may render it necessary for them to maintain a powerful navy or large regular army in time of peace. If forced to vindicate their rights by arms, they

are content, in the present aspect of international relations, to rely, in military operations on land, mainly upon volunteer troops, and for the protection of their commerce, in no inconsiderable degree, upon their mercantile marine. If this country were deprived of these resources, it would be obliged to change its policy and assume a military attitude before the world. In resisting an attempt to change the existing maritime law that may produce such a result, it looks beyond its own interest, and embraces in its view the interest of all such nations as are not likely to be dominant naval powers. Their situation in this respect is similar to that of the United States, and to them the protection of commerce and the maintenance of international relations of peace appeal as strongly as to this country to withstand the proposed change in the settled law of nations. To such nations the surrender of the right to resort to privateers would be attended with consequences most adverse to their commercial prosperity without any compensating advantages. Most certainly no better reasons can be given for such a surrender, than for foregoing the right to receive the services of volunteers; and the proposition to abandon the former is entitled, in the judgment of the president, to no more favor than a similar proposition in relation to the latter. This opinion of the importance of privateers to the community of nations, excepting only those of great naval strength, is not only vindicated by history, but sustained by high authority. The following passage in the treatise on maritime prizes, to which I have before referred, deserves particular attention:—

“Privateers are especially useful to those powers whose navy is inferior to that of their enemies. Belligerents, with powerful and extensive naval armaments, may cruise upon the seas with their national navies; but should those states, whose naval forces are of less power and extent, be left to their own resources,

they could not hold out in a maritime war; whilst by the equipment of privateers they may succeed in inflicting upon the enemy an injury equivalent to that which they themselves sustain. Hence governments have frequently been known, by every possible appli-
cance, to favor privateering armaments. It has even occurred that sovereigns, not merely satisfied with issuing letters of marque, have also taken, as it were, an interest in the armament. Thus did Louis XIV. frequently lend out his ships, and sometimes reserve for himself a share in the prizes.’

“It certainly ought not to excite the least surprise that strong naval powers should be willing to forego the practice, comparatively useless to them, of employing privateers, upon condition that weaker powers agree to part with their most effective means of defending their maritime rights. It is, in the opinion of this government, to be seriously apprehended that if the use of privateers be abandoned, the dominion over the seas will be surrendered to those powers which adopt the policy and have the means of keeping up large navies. The one which has a decided naval superiority would be potentially the mistress of the ocean, and by the abolition of privateering, that domination would be more firmly secured. Such a power engaged in a war with a nation inferior in naval strength, would have nothing to do for the security and protection of its commerce but to look after the ships of the regular navy of its enemy. These might be held in check by one half, or less, of its naval force, and the other might sweep the commerce of its enemy from the ocean. Nor would the injurious effects of a vast naval superiority to weaker states be much diminished if that superiority was shared among three or four great powers. It is unquestionably the interest of such weaker states to discountenance and resist a measure which fosters the growth of regular naval establishments.

"In discussing the effect of the proposed measure—the abolition of privateering—a reference to the existing condition of nations is almost unavoidable. An instance will at once present itself in regard to two nations where the commerce of each is about equal, and about equally wide spread over the world. As commercial powers, they approach to an equality; but as naval powers, there is great disparity between them. The regular navy of one vastly exceeds that of the other. In case of a war between them, only an inconsiderable part of the navy of the one would be required to prevent that of the other from being used for defence or aggression, while the remainder would be devoted to the unembarrassed employment of destroying the commerce of the weaker in naval strength. The fatal consequences of this great inequality of naval force between two such belligerents would be in part remedied by the use of privateers; in that case, while either might assail the commerce of the other in every sea, they would be obliged to distribute and employ their respective navies in the work of protection. This statement only illustrates what would be the case, with some modification, in every war where there may be considerable disparity in the naval strength of the belligerents.

"History throws much light upon this question. France, at an early period, was without a navy; and in her wars with Great Britain and Spain, both then naval powers, she resorted with signal good effect to privateering, not only for protection, but successful aggression. She obtained many privateers from Holland, and by this force gained decided advantages on the ocean over her enemy. Whilst in that condition, France could hardly have been expected to originate or concur in a proposition to abolish privateering. The condition of many of the smaller states of the world is now, in relation to naval powers, not much unlike that of France in the middle of the sixteenth century.

At a later period, during the reign of Louis XIV. several expeditions were fitted out by him, composed wholly of privateers, which were most effectively employed in prosecuting hostilities with naval powers.

"Those who may have at any time a control on the ocean will be strongly tempted to regulate its use in a manner to subserve their own interests and ambitious projects. The ocean is the common property of all nations; and instead of yielding to a measure which will be likely to secure to a few—possibly to one—an ascendancy over it, each should pertinaciously retain all the means it possesses to defend the common heritage. A predominant power upon the ocean is more menacing to the well-being of others than such a power on land; and all are alike interested in resisting a measure calculated to facilitate the permanent establishment of such a domination, whether to be wielded by one power or shared among a few others.

"The injuries likely to result from surrendering the dominion of the seas to one or a few nations which have powerful navies, arise mainly from the practice of subjecting private property on the ocean to seizure by belligerents. Justice and humanity demand that this practice should be abandoned, and that the rule in relation to such property on land should be extended to it when found upon the high seas.

"The president, therefore, proposes to add to the first proposition in the 'declaration' of the congress at Paris the following words: 'And that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband.' Thus amended, the government of the United States will adopt it, together with the other three principles contained in that 'declaration.'

"I am directed to communicate the approval

of the president to the second, third, and fourth propositions, independently of the first, should the amendment be unacceptable. The amendment is commended by so many powerful considerations, and the principle which calls for it has so long had the emphatic sanction of all enlightened nations in military operations on land, that the president is reluctant to believe it will meet with any serious opposition. Without the proposed modification of the first principle, he cannot convince himself that it would be wise or safe to change the existing law in regard to the right of privateering.

"If the amendment should not be adopted, it will be proper for the United States to have some understanding in regard to the treatment of their privateers when they shall have occasion to visit the ports of those powers which are, or may become, parties to the 'declaration' of the congress at Paris. The United States will, upon the ground of right and comity, claim for them the same consideration to which they are entitled, and which was extended to them, under the law of nations, before the attempted modification of it by that congress.

"As connected with the subject herein discussed, it is not inappropriate to remark, that a due regard to the fair claims of neutrals would seem to require some modification, if not an abandonment, of the doctrine in relation to contraband trade. Nations which preserve the relations of peace should not be injuriously affected in their commercial intercourse by those which choose to involve themselves in war, provided the citizens of such peaceful nations do not compromise their character as neutrals by a direct interference with the military operations of the belligerents. The laws of siege and blockade, it is believed, afford all the remedies against neutrals that the parties to the war can justly claim. Those laws interdict all trade with the besieged or blockaded places. A further interference with the ordinary pursuits of neutrals, in no wise to blame

for an existing state of hostilities, is contrary to the obvious dictates of justice. If this view of the subject could be adopted, and practically observed by all civilized nations, the right of search, which has been the source of so much annoyance and of so many injuries to neutral commerce, would be restricted to such cases only as justified a suspicion of an attempt to trade with places actually in a state of siege or blockade.

"Humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves, and to those who voluntarily take part with them; but neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent, without restrictions in respect to the articles entering into it.

"Though the United States do not propose to embarrass the other pending negotiations relative to the rights of neutrals, by pressing this change in the law of contraband, they will be ready to give it their sanction whenever there is a prospect of its favorable reception by other maritime powers.

"The undersigned avails himself of this opportunity to renew to the Count de Sartiges the assurance of his high consideration.

"W. L. MARCY.

"The Count de Sartiges, &c., &c., &c."

Mr. De Stoeckl to Mr. Marcy.

[Translation.]

"IMPERIAL LEGATION OF RUSSIA,
WASHINGTON, November 28, 1856. }

"The undersigned, chargé d'affaires of his majesty the Emperor of all the Russias, has the honor, in compliance with the order of his government, of addressing the following communication to the Honorable Mr. Marcy, secretary of state of the United States:—

"The attention of the emperor has, in an eminent degree, dwelt on the proposition by

which the United States answered the invitation which had been extended to them to accede to the 'declaration' of the 14th of April. His majesty entirely concurs in the views of the government of the United States which the Honorable Mr. Marcy has laid down in his equally lucid as temperate note of the 28th of July. The proposition of the federal government, in the opinion of his imperial majesty, deserves so much the more to be taken into consideration that the honorable secretary of state argues not for the exclusive interests of the United States, but for those of the whole of mankind.

"The imperial government would have room for self-gratulation should its concurrence contribute to the adoption of the proposition of the United States, and should all the powers, by a common resolution, proclaimed in the face of the world, agree to apply to private property on the seas the same principles of inviolability which belligerents profess for property on land.

"The undersigned is accordingly instructed to notify to the Honorable Mr. Marcy that his majesty the emperor accepts, for his part, the condition under which the United States consent to the abolition of privateering — namely, that the private property of the subjects and citizens of the contracting parties shall in time of war be respected by their respective naval forces, as well as by those of all the powers which may join in this 'declaration.'

"The undersigned is equally instructed to declare to the honorable secretary of state that, should the proposition of the United States become the subject of a collective deliberation, the vote of the imperial cabinet is pledged to them.

"The undersigned improves this opportunity to tender to Mr. Marcy the assurance of his very high consideration. STOECKL."

The revenues for the fiscal year ending July 1, 1856, were seventy-three millions nine hun-

dred and eighteen thousand one hundred and forty-one dollars, which, with the balance on hand at the commencement of the year, made the total resources ninety-two millions eight hundred and fifty thousand one hundred and seventeen dollars. The expenditures, including three millions of dollars, in execution of the treaty with Mexico, and upwards of twelve million dollars of debt, were seventy-two millions nine hundred and forty-eight thousand seven hundred and ninety-two dollars; leaving a balance in the treasury at the above date of nearly twenty millions of dollars. The revenues of the current year were estimated by the secretary of the treasury to be ample for all expenditures, leaving still a balance in the treasury. In view of the receipts being larger than necessary for an economical administration of the government, the president recommended a revision of the tariff, in order to reduce the revenue from the customs.

This subject of the revision of the tariff was a prominent question before Congress, and several schedules were submitted by the different interests of the country. There was something of a contest between the iron interest and the manufacturing interest; but finally, after some compromise, a bill was reported, and with amendments passed both houses by a large vote. This tariff was intended to carry out the president's views with regard to a reduction of the revenue, and it was estimated that it would effect such a reduction to the amount of twenty millions of dollars. The business of the country up to that time had been prosperous, and had it continued so the new tariff might have afforded a sufficient revenue for the wants of the government; but the sequel showed that a measure for such a reduction was not required at this time.

Among the other acts passed at this session of Congress was one in relation to the Atlantic telegraph, which it was proposed to lay down in the Atlantic between Ireland and Newfound-

land, and thus connect the two continents by a daily and even hourly intercommunication. The bill provided for paying to the company — an English corporation, but represented in America — a sum not exceeding seventy thousand dollars annually, until the net profits reached six per cent. on the capital, and after that a sum not exceeding fifty thousand dollars. For this consideration the United States government was to be placed on an equal footing with that of Great Britain, in the transmission of intelligence, — the governments having precedence in all cases, — and the citizens of the United States were to have the same privilege as the subjects of Great Britain. By subsequent arrangement the United States government was to furnish one or more steamers to aid in laying down the cable. The Niagara and Susquehanna, two of the finest vessels in the navy, were commissioned for this purpose.

Acts were also passed authorizing the people of Minnesota to form a constitution and state government, for the purpose of admission into the Union, appropriating half a million dollars for the construction of a wagon road to the Pacific from Fort Kearney, via Salt Lake City, and for various other purposes, of which it is not necessary to make mention here. Many important bills, as is too often the case, were acted upon in haste, amid the confusion which attends the close of the session, especially when it is also the termination of the Congress. At this time there was the additional excitement arising from the approaching inauguration of a new president, and many were more disposed to think of the policy of the incoming administration than of the business to be consummated by that which was about to end. But the public business being finally accomplished as far as it was possible in such a state of things, the thirty-fourth Congress came to a close, and the administration of Franklin Pierce was ended.

As we stated at the commencement of this Book, President Pierce had come into office under very favorable circumstances, and the nation was disposed to look with favor upon his administration. Whether or not he realized the reasonable expectations of the country, or redeemed the pledges, direct and implied, which, in his inaugural address and his first message, had been given, we leave for the candid reader to judge.

CHAPTER IX.

The Dred Scott Case. — Opinion of the Supreme Court. — Views of Mr. Benton on the Missouri Compromise and the Decision of the Court. — His Strictures on the President's Message.

As a matter of history belonging to President Pierce's administration, though not delivered till after his term had expired, and in its effects reaching far into future administrations, the opinion of the Supreme Court of the United States in the case of Dred Scott *vs.* John A. Sandford should find a place in this chapter. That opinion may be regarded as an exposition of the progress of slavery thus far, and an indication of what might be its future progress — the goal of Mr. Pierce's administration and the starting point of Mr. Buchanan's. It was an opinion which touched the hearts and interests of the people of this country more nearly and more generally than perhaps any other decision of that court since its establishment; for it undertook to decide a *political* question of vital importance, and in a way which ignores the history of the past and disregards the hopes of the future.

The facts were these: Dred Scott and his wife were slaves belonging to a surgeon in the United States army, who took them with him into Illinois, where they resided some time, at Fort Snelling. Subsequently they were taken

into Missouri, where they had always been held as slaves. Scott claimed his freedom and that of his wife, on the ground that they had by the act of their master been carried into free territory, Illinois being within the territory in which, by the celebrated ordinance of 1787, slavery was forever prohibited. The District Court of Missouri gave judgment for the master. In the Supreme Court it was decided that the court below had no jurisdiction, because the plaintiffs were not citizens of the United States in the sense in which that word is used in the constitution. But it was not so much the *decision* of the court as its arguments and *dicta* on points which were not directly before it for adjudication, that gave this case so much consequence.

As a paper of much importance, and of lasting interest, from its bearing on questions which must sooner or later be decided by the political power, we make the following extracts from the opinion of the court, as delivered by Chief Justice Taney, with whom six of the associate justices concurred, and also extracts from the dissenting opinion of Mr. Justice Curtis, with whom Mr. Justice McLean concurred.

Mr. Chief Justice Taney delivered the opinion of the court.

"This case has been twice argued. After the argument at the last term, differences of opinion were found to exist among the members of the court; and as the questions in controversy are of the highest importance, and the court was at that time much pressed by the ordinary business of the term, it was deemed advisable to continue the case, and direct a re-argument on some of the points, in order that we might have an opportunity of giving to the whole subject a more deliberate consideration. It has accordingly been again argued by counsel, and considered by the court; and I now proceed to deliver its opinion.

"There are two leading questions presented by the record:—

"1. Had the Circuit Court of the United States jurisdiction to hear and determine the case between these parties? And

"2. If it had jurisdiction, is the judgment it has given erroneous or not?

"The plaintiff in error, who was also the plaintiff in the court below, was, with his wife and children, held as slaves by the defendant, in the state of Missouri; and he brought this action in the Circuit Court of the United States for that district, to assert the title of himself and his family to freedom. * * *

"This is certainly a very serious question, and one that now for the first time has been brought for decision before this court. But it is brought here by those who have a right to bring it, and it is our duty to meet it and decide it.

"The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the constitution.

"It will be observed that the plea applies to that class of persons only whose ancestors were negroes of the African race, and imported into this country, and sold and held as slaves. The only matter in issue before the court, therefore, is, whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a state, in the sense in which the word 'citizen' is used in the constitution of the United States. And this being the only matter in dispute on the pleadings, the court must be understood as speaking

in this opinion of that class only; that is, of those persons who are the descendants of Africans who were imported into this country, and sold as slaves.

"The situation of this population was altogether unlike that of the Indian race. The latter, it is true, formed no part of the colonial communities, and never amalgamated with them in social connections or in government. But although they were uncivilized, they were yet a free and independent people, associated together in nations or tribes, and governed by their own laws. Many of these political communities were situated in territories to which the white race claimed the ultimate right of dominion. But that claim was acknowledged to be subject to the right of the Indians to occupy it as long as they thought proper, and neither the English nor colonial governments claimed or exercised any dominion over the tribe or nation by whom it was occupied, nor claimed the right to the possession of the territory, until the tribe or nation consented to cede it. These Indian governments were regarded and treated as foreign governments, as much so as if an ocean had separated the red man from the white; and their freedom has constantly been acknowledged, from the time of the first emigration to the English colonies to the present day, by the different governments which succeeded each other. Treaties have been negotiated with them, and their alliance sought for in war; and the people who compose these Indian political communities have always been treated as foreigners not living under our government. It is true that the course of events has brought the Indian tribes within the limits of the United States under subjection to the white race; and it has been found necessary, for their sake as well as our own, to regard them as in a state of pupilage, and to legislate to a certain extent over them and the territory they occupy. But they may, without doubt, like the subjects of any other foreign govern-

ment, be naturalized by the authority of Congress, and become citizens of a state, and of the United States; and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.

"We proceed to examine the case as presented by the pleadings.

"The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty. We think they are not, and that they are not included, and were not intended to be included, under the word 'citizens' in the constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.

"It is not the province of the court to decide upon the justice or injustice, the policy or impolicy, of these laws. The decision of that question belonged to the political or law-making power; to those who formed the sovereignty and framed the constitution. The duty of the

court is, to interpret the instrument they have framed, with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted. * * *

"In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

"It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the declaration of independence, and when the constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

"They had, for more than a century before, been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

"And in no nation was this opinion more

firmly fixed, or more uniformly acted upon, than by the English government and English people. They not only seized them on the coast of Africa, and sold them, or held them in slavery for their own use, but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.

"The opinion thus entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, accordingly, a negro of the African race was regarded by them as an article of property, and held, and bought, and sold as such, in every one of the thirteen colonies which united in the declaration of independence, and afterwards formed the constitution of the United States. The slaves were more or less numerous in the different colonies, as slave labor was found more or less profitable. But no one seems to have doubted the correctness of the prevailing opinion of the time.

"The legislation of the different colonies furnishes positive and indisputable proof of this fact. * * *

"This state of public opinion had undergone no change when the constitution was adopted, as is equally evident from its provisions and language.

"The brief preamble sets forth by whom it was formed, for what purposes, and for whose benefit and protection. It declares that it is formed by the *people* of the United States; that is to say, by those who were members of the different political communities in the several states; and its great object is declared to be to secure the blessings of liberty to themselves and their posterity. It speaks in general terms of the *people* of the United States, and of *citizens* of the several states, when it is providing for the exercise of the powers granted

or the privileges secured to the citizen. It does not define what description of persons are intended to be included under these terms, or who shall be regarded as a citizen and one of the people. It uses them as terms so well understood, that no further description or definition was necessary.

"But there are two clauses in the constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the government then formed.

"One of these clauses reserves to each of the thirteen states the right to import slaves until the year 1808, if it thinks proper. And the importation which it thus sanctions was unquestionably of persons of the race of which we are speaking, as a traffic in slaves in the United States had always been confined to them. And by the other provision the states pledge themselves to each other to maintain the right of property of the master, by delivering up to him any slave who may have escaped from his service, and be found within their respective territories. By the first above-mentioned clause, therefore, the right to purchase and hold this property is directly sanctioned and authorized for twenty years by the people who framed the constitution. And by the second, they pledge themselves to maintain and uphold the right of the master in the manner specified, as long as the government they then formed should endure. And these two provisions show, conclusively, that neither the description of persons therein referred to, nor their descendants, were embraced in any of the other provisions of the constitution; for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.

"No one of that race had ever migrated to the United States voluntarily; all of them had

been brought here as articles of merchandise. The number that had been emancipated at that time were but few in comparison with those held in slavery; and they were identified in the public mind with the race to which they belonged, and regarded as a part of the slave population rather than the free. It is obvious that they were not even in the minds of the framers of the constitution when they were conferring special rights and privileges upon the citizens of a state in every other part of the Union.

"Indeed, when we look to the condition of this race in the several states at the time, it is impossible to believe that these rights and privileges were intended to be extended to them.

"It is very true, that in that portion of the Union where the labor of the negro race was found to be unsuited to the climate and unprofitable to the master, but few slaves were held at the time of the declaration of independence; and when the constitution was adopted, it had entirely worn out in one of them, and measures had been taken for its gradual abolition in several others. But this change had not been produced by any change of opinion in relation to this race; but because it was discovered, from experience, that slave labor was unsuited to the climate and productions of these states; for some of the states, where it had ceased, or nearly ceased, to exist, were actively engaged in the slave trade, procuring cargoes on the coast of Africa, and transporting them for sale to those parts of the Union where their labor was found to be profitable, and suited to the climate and productions. And this traffic was openly carried on, and fortunes accumulated by it, without reproach from the people of the states where they resided. And it can hardly be supposed that, in the states where it was then countenanced in its worst form,—that is, in the seizure and transportation,—the people could have regarded

those who were emancipated as entitled to equal rights with themselves.

"And we may here again refer, in support of this proposition, to the plain and unequivocal language of the laws of the several states, some passed after the declaration of independence and before the constitution was adopted, and some since the government went into operation. * * *

"The legislation of the states therefore shows, in a manner not to be mistaken, the inferior and subject condition of that race at the time the constitution was adopted, and long afterwards, throughout the thirteen states by which that instrument was framed; and it is hardly consistent with the respect due to these states, to suppose that they regarded, at that time, as fellow-citizens and members of the sovereignty, a class of beings whom they had thus stigmatized; whom, as we are bound, out of respect to the state sovereignties, to assume they had deemed it just and necessary thus to stigmatize, and upon whom they had impressed such deep and enduring marks of inferiority and degradation; or, that when they met in convention to form the constitution, they looked upon them as a portion of their constituents, or designed to include them in the provisions so carefully inserted for the security and protection of the liberties and rights of their citizens. It cannot be supposed that they intended to secure to them rights, and privileges, and rank, in the new political body throughout the Union, which every one of them denied within the limits of its own dominion. More especially, it cannot be believed that the large slaveholding states regarded them as included in the word 'citizens,' or would have consented to a constitution which might compel them to receive them in that character from another state. For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations

which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one state of the Union, the right to enter every other state whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the state.

"It is impossible, it would seem, to believe that the great men of the slaveholding states, who took so large a share in framing the constitution of the United States, and exercised so much influence in procuring its adoption, could have been so forgetful and regardless of their own safety and the safety of those who trusted and confided in them.

"Besides, this want of foresight and care would have been utterly inconsistent with the caution displayed in providing for the admission of new members into this political family. For, when they gave to the citizens of each state the privileges and immunities of citizens in the several states, they at the same time took from the several states the power of naturalization, and confined that power exclusively to the federal government. No state was willing to permit another state to determine who should or should not be admitted as one of its citizens, and entitled to demand equal rights and privileges with their own people, within their own territories. The right of natu-

ralization was therefore, with one accord, surrendered by the states, and confided to the federal government. And this power granted to Congress to establish a uniform rule of *naturalization* is, by the well-understood meaning of the word, confined to persons born in a foreign country, under a foreign government. It is not a power to raise to the rank of a citizen any one born in the United States, who, from birth or parentage, by the laws of the country, belongs to an inferior and subordinate class. And when we find the states guarding themselves from the indiscreet or improper admission by other states of emigrants from other countries, by giving the power exclusively to Congress, we cannot fail to see that they could never have left with the states a much more important power — that is, the power of transforming into citizens a numerous class of persons, who in that character would be much more dangerous to the peace and safety of a large portion of the Union, than the few foreigners one of the states might improperly naturalize. The constitution, upon its adoption, obviously took from the states all power by any subsequent legislation to introduce as a citizen into the political family of the United States any one, no matter where he was born, or what might be his character or condition; and it gave to Congress the power to confer this character upon those only who were born outside of the dominions of the United States. And no law of a state, therefore, passed since the constitution was adopted, can give any right of citizenship outside of its own territory.

“A clause similar to the one in the constitution, in relation to the rights and immunities of citizens of one state in the other states, was contained in the Articles of Confederation. But there is a difference of language which is worthy of note. The provision in the Articles of Confederation was, ‘that the *free inhabitants* of each of the states, paupers, vagabonds, and

fugitives from justice excepted, should be entitled to all the privileges and immunities of free citizens in the several states.’

“It will be observed, that under this confederation, each state had the right to decide for itself, and in its own tribunals, whom it would acknowledge as a free inhabitant of another state. The term *free inhabitant*, in the generality of its terms, would certainly include one of the African race who had been manumitted. But no example, we think, can be found of his admission to all the privileges of citizenship in any state of the Union after these Articles were formed, and while they continued in force. And, notwithstanding the generality of the words ‘free inhabitants,’ it is very clear that, according to their accepted meaning in that day, they did not include the African race, whether free or not; for the fifth section of the ninth article provides that Congress should have the power ‘to agree upon the number of land forces to be raised, and to make requisitions from each state for its quota in proportion to the number of *white* inhabitants in such state, which requisition should be binding.’

“Words could hardly have been used which more strongly mark the line of distinction between the citizen and the subject; the free and the subjugated races. The latter were not even counted when the inhabitants of a state were to be embodied in proportion to its numbers for the general defence. And it cannot for a moment be supposed, that a class of persons thus separated and rejected from those who formed the sovereignty of the states, were yet intended to be included under the words ‘free inhabitants,’ in the preceding article, to whom privileges and immunities were so carefully secured in every state.

“But although this clause of the Articles of Confederation is the same in principle with that inserted in the constitution, yet the comprehensive word ‘inhabitant,’ which might be construed to include an emancipated slave, is

omitted; and the privilege is confined to citizens of the state. And this alteration in words would hardly have been made, unless a different meaning was intended to be conveyed, or a possible doubt removed. The just and fair inference is, that as this privilege was about to be placed under the protection of the general government, and the words expounded by its tribunals, and all power in relation to it taken from the state and its courts, it was deemed prudent to describe with precision and caution the persons to whom this high privilege was given — and the word ‘citizen’ was on that account substituted for the words ‘free inhabitant.’ The word ‘citizen’ excluded, and no doubt intended to exclude, foreigners who had not become citizens of some one of the states when the constitution was adopted; and also every description of persons who were not fully recognized as citizens in the several states. This, upon any fair construction of the instruments to which we have referred, was evidently the object and purpose of this change of words.

“To all this mass of proof we have still to add, that Congress has repeatedly legislated upon the same construction of the constitution that we have given. Three laws, two of which were passed almost immediately after the government went into operation, will be abundantly sufficient to show this. The two first are particularly worthy of notice, because many of the men who assisted in framing the constitution, and took an active part in procuring its adoption, were then in the halls of legislation, and certainly understood what they meant when they used the words ‘people of the United States’ and ‘citizen’ in that well-considered instrument.

“The first of these acts is the naturalization law, which was passed at the second session of the first Congress, March 26, 1790, and confines the right of becoming citizens ‘to aliens being free white persons.’

“Now, the constitution does not limit the

power of Congress in this respect to white persons. And they may, if they think proper, authorize the naturalization of any one, of any color, who was born under allegiance to another government. But the language of the law above quoted shows that citizenship at that time was perfectly understood to be confined to the white race; and that they alone constituted the sovereignty in the government. * *

“Another of the early laws of which we have spoken, is the first militia law, which was passed in 1792, at the first session of the second Congress. The language of this law is equally plain and significant with the one just mentioned. It directs that every ‘free able-bodied white male citizen’ shall be enrolled in the militia. The word ‘white’ is evidently used to exclude the African race, and the word ‘citizen’ to exclude unnaturalized foreigners; the latter forming no part of the sovereignty, owing it no allegiance, and therefore under no obligation to defend it. The African race, however, born in the country, did owe allegiance to the government, whether they were slave or free; but it is repudiated and rejected from the duties and obligations of citizenship in marked language.

“The third act to which we have alluded is even still more decisive; it was passed as late as 1813 (2 Stat. 809,) and it provides, ‘That from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ, on board of any public or private vessels of the United States, any person or persons except citizens of the United States, or persons of color, natives of the United States.’

“Here the line of distinction is drawn in express words. Persons of color, in the judgment of Congress, were not included in the word ‘citizens,’ and they are described as another and different class of persons, and authorized to be employed, if born in the United States. * *

“But it is said that a person may be a citizen, and entitled to that character, although he

does not possess all the rights which may belong to other citizens; as, for example, the right to vote, or to hold particular offices; and that yet, when he goes into another state, he is entitled to be recognized there as a citizen, although the state may measure his rights by the rights which it allows to persons of a like character or class resident in the state, and refuse to him the full rights of citizenship.

"This argument overlooks the language of the provision in the constitution of which we are speaking.

"Undoubtedly, a person may be a citizen, that is, a member of the community who form the sovereignty, although he exercises no share of the political power, and is incapacitated from holding particular offices. Women and minors, who form a part of the political family, cannot vote; and when a property qualification is required to vote or hold a particular office, those who have not the necessary qualification cannot vote or hold the office, yet they are citizens.

"So, too, a person may be entitled to vote by the law of the state, who is not a citizen even of the state itself. And in some of the states of the Union foreigners not naturalized are allowed to vote. And the state may give the right to free negroes and mulattoes, but that does not make them citizens of the state, and still less of the United States. And the provision in the constitution giving privileges and immunities in other states, does not apply to them.

"Neither does it apply to a person who, being the citizen of a state, migrates to another state. For then he becomes subject to the laws of the state in which he lives, and he is no longer a citizen of the state from which he removed. And the state in which he resides may then, unquestionably, determine his status or condition, and place him among the class of persons who are not recognized as citizens, but belong to an inferior and subject race; and

may deny him the privileges and immunities enjoyed by its citizens.

"But so far as mere rights of person are concerned, the provision in question is confined to citizens of a state who are temporarily in another state without taking up their residence there. It gives them no political rights in the state, as to voting or holding office, or in any other respect. For a citizen of one state has no right to participate in the government of another. But if he ranks as a citizen in the state to which he belongs, within the meaning of the constitution of the United States, then, whenever he goes into another state, the constitution clothes him, as to the rights of person, with all the privileges and immunities which belong to citizens of the state. And if persons of the African race are citizens of a state, and of the United States, they would be entitled to all of these privileges and immunities in every state, and the state could not restrict them; for they would hold these privileges and immunities under the paramount authority of the federal government, and its courts would be bound to maintain and enforce them, the constitution and laws of the state to the contrary notwithstanding. And if the states could limit or restrict them, or place the party in an inferior grade, this clause of the constitution would be unmeaning, and could have no operation; and would give no rights to the citizen when in another state. He would have none but what the state itself chose to allow him. This is evidently not the construction or meaning of the clause in question. It guaranties rights to the citizen, and the state cannot withhold them. And these rights are of a character and would lead to consequences which make it absolutely certain that the African race were not included under the name of citizens of a state, and were not in the contemplation of the framers of the constitution when these privileges and immunities were provided for the protection of the citizen in other states.

"The case of *Legrand vs. Darnall* (2 Peters, 664) has been referred to for the purpose of showing that this court has decided that the descendant of a slave may sue as a citizen in a court of the United States; but the case itself shows that the question did not arise, and could not have arisen, in the case. * *

"No one, we presume, supposes that any change in public opinion or feeling, in relation to this unfortunate race, in the civilized nations of Europe or in this country, should induce the court to give to the words of the constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it. If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered, it must be construed now as it was understood at the time of its adoption. It is not only the same in words, but the same in meaning, and delegates the same powers to the government, and reserves and secures the same rights and privileges to the citizen; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day. This court was not created by the constitution for such purposes. Higher and graver trusts have been confided to it, and it must not falter in the path of duty.

"What the construction was at that time, we think, can hardly admit of doubt. We have the language of the Declaration of Independence and of the Articles of Confederation, in addition to the plain words of the constitution

itself; we have the legislation of the different states, before, about the time, and since, the constitution was adopted; we have the legislation of Congress, from the time of its adoption to a recent period; and we have the constant and uniform action of the executive department, all concurring together, and leading to the same result. And if any thing in relation to the construction of the constitution can be regarded as settled, it is that which we now give to the word 'citizen' and the word 'people.'

"And upon a full and careful consideration of the subject, the court is of opinion, that, upon the facts stated in the plea in abatement, *Dred Scott* was not a citizen of Missouri within the meaning of the constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous.

"We are aware that doubts are entertained by some of the members of the court, whether the plea in abatement is legally before the court upon this writ of error; but if that plea is regarded as waived, or out of the case upon any other ground, yet the question as to the jurisdiction of the Circuit Court is presented on the face of the bill of exception itself, taken by the plaintiff at the trial; for he admits that he and his wife were born slaves, but endeavors to make out his title to freedom and citizenship by showing that they were taken by their owner to certain places, hereinafter mentioned, where slavery could not by law exist, and that they thereby became free, and upon their return to Missouri became citizens of that state.

"Now, if the removal of which he speaks did not give them their freedom, then by his own admission he is still a slave; and whatever opinions may be entertained in favor of the citizenship of a free person of the African race, no one supposes that a slave is a citizen of the state or of the United States. If, therefore,

the acts done by his owner did not make them free persons, he is still a slave, and certainly incapable of suing in the character of a citizen.

"The principle of law is too well settled to be disputed, that a court can give no judgment for either party, where it has no jurisdiction; and if, upon the showing of Scott himself, it appeared that he was still a slave, the case ought to have been dismissed, and the judgment against him, and in favor of the defendant for costs, is, like that on the plea in abatement, erroneous, and the suit ought to have been dismissed by the Circuit Court for want of jurisdiction in that court. * * *

"The plea in abatement is not a plea to the jurisdiction of this court, but to the jurisdiction of the Circuit Court. And it appears by the record before us, that the Circuit Court committed an error in deciding that it had jurisdiction upon the facts in the case, admitted by the pleadings. It is the duty of the appellate tribunal to correct this error; but that could not be done by dismissing the case for want of jurisdiction here — for that would leave the erroneous judgment in full force, and the injured party without remedy. And the appellate court therefore exercises the power for which alone appellate courts are constituted, by reversing the judgment of the court below for this error. It exercises its proper and appropriate jurisdiction over the judgment and proceedings of the Circuit Court, as they appear upon the record brought up by the writ of error.

"The correction of one error in the court below does not deprive the appellate court of the power of examining further into the record, and correcting any other material errors which may have been committed by the inferior court. There is certainly no rule of law — nor any practice — nor any decision of a court — which even questions this power in the appellate tribunal. On the contrary, it is the daily practice of this court, and of all appellate courts

where they reverse the judgment of an inferior court for error, to correct by its opinions whatever errors may appear on the record material to the case; and they have always held it to be their duty to do so where the silence of the court might lead to misconstruction or future controversy, and the point has been relied on by either side, and argued before the court.

"In the case before us, we have already decided that the Circuit Court erred in deciding that it had jurisdiction upon the facts admitted by the pleadings. And it appears that, in the further progress of the case, it acted upon the erroneous principle it had decided on the pleadings, and gave judgment for the defendant, where, upon the facts admitted in the exception, it had no jurisdiction.

"We are at a loss to understand upon what principle of law, applicable to appellate jurisdiction, it can be supposed that this court has not judicial authority to correct the last-mentioned error, because they had before corrected the former; or by what process of reasoning it can be made out, that the error of an inferior court in actually pronouncing judgment for one of the parties, in a case in which it had no jurisdiction, cannot be looked into or corrected by this court, because we have decided a similar question presented in the pleadings. The last point is distinctly presented by the facts contained in the plaintiff's own bill of exceptions, which he himself brings here by this writ of error. It was the point which chiefly occupied the attention of the counsel on both sides in the argument; and the judgment which this court must render upon both errors is precisely the same. It must, in each of them, exercise jurisdiction over the judgment, and reverse it for the errors committed by the court below; and issue a mandate to the Circuit Court to conform its judgment to the opinion pronounced by this court, by dismissing the case for want of jurisdiction in the Circuit Court. This is the constant and invariable practice of this

court, where it reverses a judgment for want of jurisdiction in the Circuit Court. * *

"We proceed, therefore, to inquire whether the facts relied on by the plaintiff entitled him to his freedom.

"The case, as he himself states it, on the record brought here by his writ of error, is this: —

"The plaintiff was a negro slave, belonging to Dr. Emerson, who was a surgeon in the army of the United States. In the year 1834, he took the plaintiff from the state of Missouri to the military post at Rock Island, in the state of Illinois, and held him there as a slave until the month of April or May, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situate on the west bank of the Mississippi River, in the territory known as Upper Louisiana, acquired by the United States of France, and situate north of the latitude of thirty-six degrees thirty minutes north, and north of the state of Missouri. Said Dr. Emerson held the plaintiff in slavery at said Fort Snelling from said last-mentioned date until the year 1838.

"In the year 1835, Harriet, who is named in the second count of the plaintiff's declaration, was the negro slave of Major Taliaferro, who belonged to the army of the United States. In that year, 1835, said Major Taliaferro took said Harriet to said Fort Snelling, a military post, situated as hereinbefore stated, and kept her there as a slave until the year 1836, and then sold and delivered her as a slave, at said Fort Snelling, unto the said Dr. Emerson hereinbefore named. Said Dr. Emerson held said Harriet in slavery at said Fort Snelling until the year 1838.

"In the year 1836, the plaintiff and Harriet intermarried at Fort Snelling, with the consent of Dr. Emerson, who then claimed to be their master and owner. Eliza and Lizzie, named in the third count of the plaintiff's declaration,

are the fruit of that marriage. Eliza is about fourteen years old, and was born on board the steamboat Gipseey, north of the north line of the state of Missouri, and upon the River Mississippi. Lizzie is about seven years old, and was born in the state of Missouri, at the military post called Jefferson Barracks.

"In the year 1838, said Dr. Emerson removed the plaintiff and said Harriet, and their said daughter Eliza, from said Fort Snelling to the state of Missouri, where they have ever since resided.

"Before the commencement of this suit, said Dr. Emerson sold and conveyed the plaintiff, and Harriet, Eliza, and Lizzie, to the defendant, as slaves, and the defendant has ever since claimed to hold them, and each of them, as slaves.

"In considering this part of the controversy, two questions arise: 1. Was he, together with his family, free in Missouri by reason of the stay in the territory of the United States hereinbefore mentioned? And, 2. If they were not, is Scott himself free by reason of his removal to Rock Island, in the state of Illinois, as stated in the above admissions?

"We proceed to examine the first question.

"The act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the states.

"The counsel for the plaintiff has laid much stress upon that article in the constitution which confers on Congress the power to 'dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;' but, in the judgment of the court, that provision has no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more.

"A brief summary of the history of the times, as well as the careful and measured terms in which the article is framed, will show the correctness of this proposition.

"It will be remembered that, from the commencement of the revolutionary war, serious difficulties existed between the states, in relation to the disposition of large and unsettled territories which were included in the chartered limits of some of the states. And some of the other states, and more especially Maryland, which had no unsettled lands, insisted that as the unoccupied lands, if wrested from Great Britain, would owe their preservation to the common purse and the common sword, the money arising from them ought to be applied in just proportion among the several states to pay the expenses of the war, and ought not to be appropriated to the use of the state in whose chartered limits they might happen to lie, to the exclusion of the other states, by whose combined efforts and common expense the territory was defended and preserved against the claim of the British government.

"These difficulties caused much uneasiness during the war, while the issue was in some

degree doubtful, and the future boundaries of the United States yet to be defined by treaty, if we achieved our independence.

"The majority of the Congress of the confederation obviously concurred in opinion with the state of Maryland, and desired to obtain from the states which claimed it a cession of this territory, in order that Congress might raise money on this security to carry on the war. This appears by the resolution passed on the 6th of September, 1780, strongly urging the states to cede these lands to the United States, both for the sake of peace and union among themselves, and to maintain the public credit; and this was followed by the resolution of October 10th, 1780, by which Congress pledged itself, that if the lands were ceded, as recommended by the resolution above mentioned, they should be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which should become members of the Federal Union, and have the same rights of sovereignty, and freedom, and independence, as other states.

"But these difficulties became much more serious after peace took place, and the boundaries of the United States were established. Every state, at that time, felt severely the pressure of its war debt; but in Virginia, and some other states, there were large territories of unsettled lands, the sale of which would enable them to discharge their obligations without much inconvenience; while other states, which had no such resource, saw before them many years of heavy and burdensome taxation; and the latter insisted, for the reasons before stated, that these unsettled lands should be treated as the common property of the states, and the proceeds applied to their common benefit.

"The letters from the statesmen of that day will show how much this controversy occupied their thoughts, and the dangers that were apprehended from it. It was the disturbing

element of the time, and fears were entertained that it might dissolve the confederation by which the states were then united.

"These fears and dangers were, however, at once removed, when the state of Virginia, in 1784, voluntarily ceded to the United States the immense tract of country lying north-west of the River Ohio, and which was within the acknowledged limits of the state. The only object of the state, in making this cession, was to put an end to the threatening and exciting controversy, and to enable the Congress of that time to dispose of the lands, and appropriate the proceeds as a common fund for the common benefit of the states. It was not ceded because it was inconvenient to the state to hold and govern it, nor from any expectation that it could be better or more conveniently governed by the United States.

"The example of Virginia was soon afterwards followed by other states, and, at the time of the adoption of the constitution, all of the states, similarly situated, had ceded their unappropriated lands, except North Carolina and Georgia. The main object for which these cessions were desired and made, was on account of their money value, and to put an end to a dangerous controversy, as to who was justly entitled to the proceeds when the lands should be sold. It is necessary to bring this part of the history of these cessions thus distinctly into view, because it will enable us the better to comprehend the phraseology of the article in the constitution, so often referred to in the argument.

"Undoubtedly the powers of sovereignty and the eminent domain were ceded with the land. This was essential, in order to make it effectual, and to accomplish its objects. But it must be remembered that, at that time, there was no government of the United States in existence with enumerated and limited powers; what was then called the United States, were thirteen separate, sovereign, independent states, which had entered into a league or confederation

for their mutual protection and advantage, and the Congress of the United States was composed of the representatives of these separate sovereignties, meeting together, as equals, to discuss and decide on certain measures which the states, by the Articles of Confederation, had agreed to submit to their decision. But this confederation had none of the attributes of sovereignty in legislative, executive, or judicial power. It was little more than a congress of ambassadors, authorized to represent separate nations in matters in which they had a common concern.

"It was this Congress that accepted the cession from Virginia. They had no power to accept it under the Articles of Confederation. But they had an undoubted right, as independent sovereignties, to accept any cession of territory for their common benefit, which all of them assented to; and it is equally clear, that as their common property, and having no superior to control them, they had the right to exercise absolute dominion over it, subject only to the restrictions which Virginia had imposed in her act of cession. There was, as we have said, no government of the United States then in existence with special enumerated and limited powers. The territory belonged to sovereignties, who, subject to the limitations above mentioned, had a right to establish any form of government they pleased, by compact or treaty among themselves, and to regulate rights of person and rights of property in the territory, as they might deem proper. It was by a Congress representing the authority of these several and separate sovereignties, and acting under their authority and command, (but not from any authority derived from the Articles of Confederation,) that the instrument usually called the ordinance of 1787 was adopted; regulating in much detail the principles and the laws by which this territory should be governed; and among other provisions slavery is prohibited in it. We do not question

the power of the states, by agreement among themselves, to pass this ordinance, nor its obligatory force in the territory, while the confederation or league of the states in their separate sovereign character continued to exist.

"This was the state of things when the constitution of the United States was formed. The territory ceded by Virginia belonged to several confederated states as common property, and they had united in establishing in it a system of government and jurisprudence, in order to prepare it for admission as states, according to the terms of the cession. They were about to dissolve this federative Union, and to surrender a portion of their independent sovereignty to a new government, which, for certain purposes, would make the people of the several states one people, and which was to be supreme and controlling within its sphere of action throughout the United States; but this government was to be carefully limited in its powers, and to exercise no authority beyond those expressly granted by the constitution, or necessarily to be implied from the language of the instrument, and the objects it was intended to accomplish; and as this league of states would, upon the adoption of the new government, cease to have any power over the territory, and the ordinance they had agreed upon be incapable of execution, and a mere nullity, it was obvious that some provision was necessary to give the new government sufficient power to enable it to carry into effect the objects for which it was ceded, and the compacts and agreements which the states had made with each other in the exercise of their powers of sovereignty. It was necessary that the lands should be sold to pay the war debt; that a government and system of jurisprudence should be maintained in it, to protect the citizens of the United States who should migrate to the territory, in their rights of person and of property. It was also necessary that the new government, about to be adopted, should

be authorized to maintain the claim of the United States to the unappropriated lands in North Carolina and Georgia, which had not then been ceded, but the cession of which was confidently anticipated upon some terms that would be arranged between the general government and these two states. And, moreover, there were many articles of value besides this property in land, such as arms, military stores, munitions, and ships of war, which were the common property of the states, when acting in their independent characters as confederates, which neither the new government nor any one else would have a right to take possession of, or control, without authority from them; and it was to place these things under the guardianship and protection of the new government, and to clothe it with the necessary powers, that the clause was inserted in the constitution, which gives Congress the power to 'dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' It was intended for a specific purpose, to provide for the things we have mentioned. It was to transfer to the new government the property then held in common by the states, and to give to that government power to apply it to the objects for which it had been destined by mutual agreement among the states before their league was dissolved. It applied only to the property which the states held in common at that time, and has no reference whatever to any territory or other property which the new sovereignty might afterwards itself acquire.

"The language used in the clause, the arrangement and combination of the powers, and the somewhat unusual phraseology it uses, when it speaks of the political power to be exercised in the government of the territory, all indicate the design and meaning of the clause to be such as we have mentioned. It does not speak of any territory, nor of territories, but uses language which, according to its

legitimate meaning, points to a particular thing. The power is given in relation only to the territory of the United States; that is, to a territory then in existence, and then known or claimed as the territory of the United States. It begins its enumeration of powers by that of disposing—in other words, making sale—of the lands, or raising money from them, which, as we have already said, was the main object of the cession, and which is accordingly the first thing provided for in the article. It then gives the power which was necessarily associated with the disposition and sale of the lands; that is, the power of making needful rules and regulations respecting the territory. And whatever construction may now be given to these words, every one, we think, must admit that they are not the words usually employed by statesmen in giving supreme power of legislation. They are certainly very unlike the words used in the power granted to legislate over territory which the new government might afterwards itself obtain by cession from a state, either for its seat of government, or for forts, magazines, arsenals, dock yards, and other needful buildings.

“And the same power of making needful rules respecting the territory is, in precisely the same language, applied to the *other* property belonging to the United States—associating the power over the territory in this respect with the power over movable or personal property—that is, the ships, arms, and munitions of war, which then belonged in common to the state sovereignties. And it will hardly be said that this power, in relation to the last-mentioned objects, was deemed necessary to be thus specially given to the new government, in order to authorize it to make needful rules and regulations respecting the ships it might itself build, or arms and munitions of war it might itself manufacture or provide for the public service.

“No one, it is believed, would think a mo-

ment of deriving the power of Congress to make needful rules and regulations in relation to property of this kind from this clause of the constitution. Nor can it, upon any fair construction, be applied to any property but that which the new government was about to receive from the confederated states. And if this be true as to this property, it must be equally true and limited as to the territory, which is so carefully and precisely coupled with it—and like it, referred to as property in the power granted. The concluding words of the clause appear to render this construction irresistible; for, after the provisions we have mentioned, it proceeds to say, ‘that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.’

“Now, as we have before said, all of the states, except North Carolina and Georgia, had made the cession before the constitution was adopted, according to the resolution of Congress of October 10, 1780. The claims of other states, that the unappropriated lands in these two states should be applied to the common benefit, in like manner was still insisted on, but refused by the states. And this member of the clause in question evidently applies to them, and can apply to nothing else. It was to exclude the conclusion that either party, by adopting the constitution, would surrender what they deemed their rights. And when the latter provision relates so obviously to the unappropriated lands not yet ceded by the states, and the first clause makes provision for those then actually ceded, it is impossible, by any just rule of construction, to make the first provision general, and extend to all territories which the federal government might in any way afterwards acquire, when the latter is plainly and unequivocally confined to a particular territory; which was a part of the same controversy, and involved in the same dispute, and depended upon the same principles. The

union of the two provisions in the same clause shows that they were kindred subjects; and that the whole clause is local, and relates only to lands within the limits of the United States, which had been or then were claimed by a state; and that no other territory was in the mind of the framers of the constitution, or intended to be embraced in it. Upon any other construction it would be impossible to account for the insertion of the last provision in the place where it is found, or to comprehend why or for what object it was associated with the previous provision.

"This view of the subject is confirmed by the manner in which the present government of the United States dealt with the subject as soon as it came into existence. It must be borne in mind that the same states that formed the confederation also formed and adopted the new government, to which so large a portion of their former sovereign powers were surrendered. It must also be borne in mind that all of these same states which had then ratified the new constitution were represented in the Congress which passed the first law for the government of this territory; and many of the members of that legislative body had been deputies from the states under the confederation—had united in adopting the ordinance of 1787, and assisted in forming the new government under which they were then acting, and whose powers they were then exercising. And it is obvious, from the law they passed to carry into effect the principles and provisions of the ordinance, that they regarded it as the act of the states done in the exercise of their legitimate powers at the time. The new government took the territory as it found it, and in the condition in which it was transferred, and did not attempt to undo any thing that had been done. And, among the earliest laws passed under the new government, is one reviving the ordinance of 1787, which had become inoperative, and a nullity, upon the

adoption of the constitution. This law introduces no new form or principles for its government, but recites, in the preamble, that it is passed in order that this ordinance may continue to have full effect, and proceeds to make only those rules and regulations which were needful to adapt it to the new government, into whose hands the power had fallen. It appears, therefore, that this Congress regarded the purposes to which the land in this territory was to be applied, and the form of government and principles of jurisprudence which were to prevail there, while it remained in the territorial state, as already determined on by the states when they had full power and right to make the decision; and that the new government, having received it in this condition, ought to carry substantially into effect the plans and principles which had been previously adopted by the states, and which, no doubt, the states anticipated when they surrendered their power to the new government. And if we regard this clause of the constitution as pointing to this territory, with a territorial government already established in it, which had been ceded to the states for the purposes hereinbefore mentioned—every word in it is perfectly appropriate, and easily understood, and the provisions it contains are in perfect harmony with the objects for which it was ceded, and with the condition of its government as a territory at the time. We can, then, easily account for the manner in which the first Congress legislated on the subject—and can also understand why this power over the territory was associated in the same clause with the other property of the United States, and subjected to the like power of making needful rules and regulations. But if the clause is construed in the expanded sense contended for, so as to embrace any territory acquired from a foreign nation by the present government, and to give it in such territory a despotic and unlimited power over persons and property, such as the confederated states might

exercise in their common property, it would be difficult to account for the phraseology used, when compared with other grants of power — and also for its association with the other provisions in the same clause.

“The constitution has always been remarkable for the felicity of its arrangement of different subjects, and the perspicuity and appropriateness of the language it uses. But if this clause is construed to extend to territory acquired by the present government from a foreign nation, outside of the limits of any charter from the British government to a colony, it would be difficult to say, why it was deemed necessary to give the government the power to sell any vacant lands belonging to the sovereignty which might be found within it; and if this was necessary, why the grant of this power should precede the power to legislate over it and establish a government there; and still more difficult to say, why it was deemed necessary so specially and particularly to grant the power to make needful rules and regulations in relation to any personal or movable property it might acquire there. For the words *other property*, necessarily, by every known rule of interpretation, must mean property of a different description from territory or land. And the difficulty would perhaps be insurmountable in endeavoring to account for the last member of the sentence, which provides that ‘nothing in this constitution shall be so construed as to prejudice any claims of the United States or any particular state,’ or to say how any particular state could have claims in or to a territory ceded by a foreign government, or to account for associating this provision with the preceding provisions of the clause, with which it would appear to have no connection.

“The words ‘needful rules and regulations’ would seem, also, to have been cautiously used for some definite object. They are not the words usually employed by statesmen, when

they mean to give the powers of sovereignty, or to establish a government, or to authorize its establishment. Thus, in the law to renew and keep alive the ordinance of 1787, and to reestablish the government, the title of the law is, ‘An act to provide for the government of the territory north-west of the River Ohio.’ And in the constitution, when granting the power to legislate over the territory that may be selected for the seat of government independently of a state, it does not say Congress shall have power ‘to make all needful rules and regulations respecting the territory;’ but it declares that ‘Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States.’

“The words ‘rules and regulations’ are usually employed in the constitution in speaking of some particular specified power which it means to confer on the government, and not, as we have seen, when granting general powers of legislation; as, for example, in the particular power to Congress ‘to make rules for the government and regulation of the land and naval forces, or the particular and specific power to regulate commerce;’ ‘to establish a uniform rule of naturalization;’ ‘to coin money and regulate the value thereof.’ And to construe the words of which we are speaking as a general and unlimited grant of sovereignty over territories which the government might afterwards acquire, is to use them in a sense and for a purpose for which they were not used in any other part of the instrument. But if confined to a particular territory, in which a government and laws had already been established, but which would require some alterations to adapt it to the new government, the words are peculiarly applicable and appropriate for that purpose. * * *

"This brings us to examine by what provision of the constitution the present federal government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States, while it remains a territory, and until it shall be admitted as one of the states of the Union.

"There is certainly no power given by the constitution to the federal government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new states. That power is plainly given; and if a new state is admitted, it needs no further legislation by Congress, because the constitution itself defines the relative rights, and powers, and duties of the state, and the citizens of the state, and the federal government. But no power is given to acquire a territory to be held and governed permanently in that character.

"And indeed the power exercised by Congress to acquire territory and establish a government there, according to its own unlimited discretion, was viewed with great jealousy by the leading statesmen of the day. And in the *Federalist*, (No. 38,) written by Mr. Madison, he speaks of the acquisition of the north-western territory by the confederated states, by the cession from Virginia, and the establishment of a government there, as an exercise of power not warranted by the Articles of Confederation, and dangerous to the liberties of the people. And he urges the adoption of the constitution as a security and safeguard against such an exercise of power.

"We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States, by the admission of new states, is plainly

given; and in the construction of this power by all the departments of the government, it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a state, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new state is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a state upon an equal footing with the other states, must rest upon the same discretion. It is a question for the political department of the government, and not the judicial; and whatever the political department of the government shall recognize as within the limits of the United States, the judicial department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply, and to maintain in the territory the authority and rights of the government, and also the personal rights and rights of property of individual citizens, as secured by the constitution. All we mean to say on this point is, that, as there is no express regulation in the constitution defining the power which the general government may exercise over the person or property of a citizen in a territory thus acquired, the court must necessarily look to the provisions and principles of the constitution, and its distribution of powers, for the rules and principles by which its decision must be governed.

"Taking this rule to guide us, it may be safely assumed that citizens of the United States who migrate to a territory belonging to the people of the United States, cannot be ruled as mere colonists, dependent upon the will of the general government, and to be governed by any laws it may think proper to impose. The principle upon which our governments rest,

and upon which alone they continue to exist, is the union of states, sovereign and independent within their own limits in their internal and domestic concerns, and bound together as one people by a general government, possessing certain enumerated and restricted powers, delegated to it by the people of the several states, and exercising supreme authority within the scope of the powers granted to it throughout the dominion of the United States. A power, therefore, in the general government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several states who created it. It is their trustee acting for them, and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

"At the time when the territory in question was obtained by cession from France, it contained no population fit to be associated together and admitted as a state; and it therefore was absolutely necessary to hold possession of it, as a territory belonging to the United States, until it was settled and inhabited by a civilized community capable of self-government, and in a condition to be admitted on equal terms with the other states as a member of the Union. . But, as we have before said, it was acquired by the general government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several states, acting through their agent and representative, the federal government, who in fact acquired the territory in question, and the government holds it for their common use until it shall be associated with the other states as a member of the Union. * * *

"But the power of Congress over the person

or property of a citizen can never be a mere discretionary power under our constitution and form of government. The powers of the government and the rights and privileges of the citizen are regulated and plainly defined by the constitution itself. And when the territory becomes a part of the United States, the federal government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined, and limited by the constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a territory of the United States, put off its character, and assume discretionary or despotic powers which the constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the constitution. The territory being a part of the United States, the government and the citizen both enter it under the authority of the constitution, with their respective rights defined and marked out; and the federal government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

"A reference to a few of the provisions of the constitution will illustrate this proposition.

"For example, no one, we presume, will contend that Congress can make any law in a territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people of the territory peaceably to assemble, and to petition the government for the redress of grievances.

"Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel any one to be a

witness against himself in a criminal proceeding.

"These powers, and others, in relation to rights of person, which it is not necessary here to enumerate, are, in express and positive terms, denied to the general government; and the rights of private property have been guarded with equal care. Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.

"So, too, it will hardly be contended that Congress could by law quarter a soldier in a house in a territory without the consent of the owner, in time of peace; nor in time of war, but in a manner prescribed by law. Nor could they by law forfeit the property of a citizen in a territory, who was convicted of treason, for a longer period than the life of the person convicted; nor take private property for public use without just compensation.

"The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the states, but the words are general, and extend to the whole territory over which the constitution gives it power to legislate, including those portions of it remaining under territorial government, as well as that covered by states. It is a total absence of power every where within the dominion of the United States, and places the citizens of a territory, so far as these rights are concerned, on the same footing with citizens of

the states, and guards them as firmly and plainly against any inroads which the general government might attempt, under the plea of implied or incidental powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the federal government—it will be admitted, we presume, that it could not authorize a territorial government to exercise them. It could confer no power on any local government, established by its authority, to violate the provisions of the constitution.

"It seems, however, to be supposed, that there is a difference between property in a slave and other property, and that different rules may be applied to it in expounding the constitution of the United States. And the laws and usages of nations, and the writings of eminent jurists upon the relation of master and slave, and their mutual rights and duties, and the powers which governments may exercise over it, have been dwelt upon in the argument.

"But in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their government, and interfering with their relation to each other. The powers of the government, and the rights of the citizen under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of statesmen or jurists upon the relations of master and slave, can enlarge the powers of the government, or take from the citizens the rights they have reserved. And if the constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States,

whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the government.

"Now, as we have already said in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly and expressly affirmed in the constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States, in every state that might desire it, for twenty years. And the government in express terms is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words — too plain to be misunderstood. And no word can be found in the constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.

"Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident. * * *

"Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and

could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction."

The dissenters from the opinion of the court were Associate Justices McLean of Ohio and Curtis of Massachusetts.

Mr. Justice Curtis said, —

"I dissent from the opinion pronounced by the chief justice, and from the judgment which the majority of the court think it proper to render in this case. The plaintiff alleged, in his declaration, that he was a citizen of the state of Missouri, and that the defendant was a citizen of the state of New York. It is not doubted that it was necessary to make each of these allegations, to sustain the jurisdiction of the Circuit Court. The defendant denied, by a plea to the jurisdiction, either sufficient or insufficient, that the plaintiff was a citizen of the state of Missouri. The plaintiff demurred to that plea. The Circuit Court adjudged the plea insufficient, and the first question for our consideration is, whether the sufficiency of that plea is before this court for judgment, upon this writ of error. The part of the judicial power of the United States, conferred by Congress on the Circuit Courts, being limited to certain described cases and controversies, the question whether a particular case is within the cognizance of a Circuit Court, may be raised by a plea to the jurisdiction of such court. When that question has been raised, the Circuit Court must, in the first instance, pass upon and determine it. Whether its determination be final, or subject to review by this appellate court, must depend upon the will of Congress; upon which body the constitution has conferred the power, with certain restrictions, to establish inferior courts, to determine their jurisdiction, and to regulate the appellate power of this court. The twenty-second section of the judiciary act of 1789, which allows a writ of error

from final judgments of Circuit Courts, provides that there shall be no reversal in this court, on such writ of error, for error in ruling any plea in abatement, *other than a plea to the jurisdiction of the court*. Accordingly it has been held, from the origin of the court to the present day, that Circuit Courts have not been made by Congress the final judges of their own jurisdiction in civil cases; and that when a record comes here upon a writ of error or appeal, and, on its inspection, it appears to this court that the Circuit Court had not jurisdiction, its judgment must be reversed, and the cause remanded, to be dismissed for want of jurisdiction.

"It is alleged by the defendant in error, in this case, that the plea to the jurisdiction was a sufficient plea; that it shows, on inspection of its allegations, confessed by the demurrer, that the plaintiff was not a citizen of the state of Missouri; that, upon this record, it must appear to this court that the case was not within the judicial power of the United States, as defined and granted by the constitution, because it was not a suit by a citizen of one state against a citizen of another state.

"To this it is answered, first, that the defendant, by pleading over, after the plea to the jurisdiction was adjudged insufficient, finally waived all benefit of that plea.

"When that plea was adjudged insufficient, the defendant was obliged to answer over. He held no alternative. He could not stop the further progress of the case in the Circuit Court by a writ of error, on which the sufficiency of his plea to the jurisdiction could be tried in this court, because the judgment on that plea was not final, and no writ of error would lie. He was forced to plead to the merits. It cannot be true, then, that he waived the benefit of his plea to the jurisdiction by answering over. Waiver includes consent. Here there was no consent. And if the benefit of the plea was finally lost, it must be, not by

any waiver, but because the laws of the United States have not provided any mode of reviewing the decision of the Circuit Court on such a plea, when that decision is against the defendant. This is not the law. Whether the decision of the Circuit Court on a plea to the jurisdiction be against the plaintiff, or against the defendant, the losing party may have any alleged error in law, in ruling such a plea, examined in this court on a writ of error, when the matter in controversy exceeds the sum or value of two thousand dollars. If the decision be against the plaintiff, and his suit dismissed for want of jurisdiction, the judgment is technically final, and he may at once sue out his writ of error. (*Mollan vs. Torrance*, 9 Wheat. 537.) If the decision be against the defendant, though he must answer over, and wait for a final judgment in the cause, he may then have his writ of error, and upon it obtain the judgment of this court on any question of law apparent on the record, touching the jurisdiction. The fact that he pleaded over to the merits, under compulsion, can have no effect on his right to object to the jurisdiction. If this were not so, the condition of the two parties would be grossly unequal. For if a plea to the jurisdiction were ruled against the plaintiff, he could at once take his writ of error, and have the ruling reviewed here; while, if the same plea were ruled against the defendant, he must not only wait for a final judgment, but could in no event have the ruling of the Circuit Court upon the plea reviewed by this court. I know of no ground for saying that the laws of the United States have thus discriminated between the parties to a suit in its courts.

"It is further objected, that as the judgment of the Circuit Court was in favor of the defendant, and the writ of error in this cause was sued out by the plaintiff, the defendant is not in a condition to assign any error in the record, and therefore this court is precluded from

considering the question whether the Circuit Court had jurisdiction.

"The practice of this court does not require a technical assignment of errors. (See the rule.) Upon a writ of error, the whole record is open for inspection; and if any error be found in it, the judgment is reversed. (*Bank of United States vs. Smith*, 11 Wheat. 171.)

"It is true, as a general rule, that the court will not allow a party to rely on any thing as cause for reversing a judgment, which was for his advantage. In this we follow an ancient rule of the common law. But so careful was that law of the preservation of the course of its courts, that it made an exception out of that general rule, and allowed a party to assign for error that which was for his advantage, if it were a departure by the court itself from its settled course of procedure. The cases on this subject are collected in *Bac. Ab.*, Error H. 4. And this court followed this practice in *Capron vs. Van Noorden* (2 Cranch, 126,) where the plaintiff below procured the reversal of a judgment for the defendant, on the ground that the plaintiff's allegations of citizenship had not shown jurisdiction.

"But it is not necessary to determine whether the defendant can be allowed to assign want of jurisdiction as an error in a judgment in his own favor. The true question is, not what either of the parties may be allowed to do, but whether this court will affirm or reverse a judgment of the Circuit Court on the merits, when it appears on the record, by a plea to the jurisdiction, that it is a case to which the judicial power of the United States does not extend. The course of the court is, where no motion is made by either party, on its own motion to reverse such a judgment for want of jurisdiction, not only in cases where it is shown, negatively, by a plea to the jurisdiction, that jurisdiction does not exist, but even where it does not appear, affirmatively, that it does exist. (*Pequignot vs. The Pennsylvania R. R.*

Co., 16 How. 104.) It acts upon the principle that the judicial power of the United States must not be exerted in a case to which it does not extend, even if both parties desire to have it exerted. (*Cutler vs. Rae*, 7 How. 729.) I consider, therefore, that when there was a plea to the jurisdiction of the Circuit Court in a case brought here by a writ of error, the first duty of this court is, *sua sponte*, if not moved to it by either party, to examine the sufficiency of that plea; and thus to take care that neither the Circuit Court nor this court shall use the judicial power of the United States in a case to which the constitution and laws of the United States have not extended that power.

"I proceed, therefore, to examine the plea to the jurisdiction. * * *

"The plea was as follows: 'And the said John F. A. Sandford, in his own proper person, comes and says that this court ought not to have or take further cognizance of the action aforesaid, because he says that said cause of action, and each and every of them, (if any such have accrued to the said Dred Scott,) accrued to the said Dred Scott out of the jurisdiction of this court, and exclusively within the jurisdiction of the courts of the state of Missouri; for that, to wit, the said plaintiff, Dred Scott, is not a citizen of the state of Missouri, as alleged in his declaration, because he is a negro of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves, and this the said Sandford is ready to verify. Wherefore he prays judgment whether this court can or will take further cognizance of the action aforesaid.'

"The plaintiff demurred, and the judgment of the Circuit Court was, that the plea was insufficient.

"I cannot treat this plea as a general traverse of the citizenship alleged by the plaintiff. Indeed, if it were so treated, the plea was clearly bad, for it concludes with a verification, and

not to the country, as a general traverse should. And though this defect in a plea in bar must be pointed out by a special demurrer, it is never necessary to demur specially to a plea in abatement; all matters, though of form only, may be taken advantage of upon a general demurrer to such a plea. (Chitty on Pl. 465.)

"The truth is, that though not drawn with the utmost technical accuracy, it is a special traverse of the plaintiff's allegation of citizenship, and was a suitable and proper mode of traverse under the circumstances. By reference to Mr. Stephen's description of the uses of such a traverse, contained in his excellent analysis of pleadings, (Steph. on Pl. 176,) it will be seen how precisely this plea meets one of his descriptions. No doubt the defendant might have traversed, by a common or general traverse, the plaintiff's allegation that he was a citizen of the state of Missouri, concluding to the country. The issue thus presented being joined, would have involved matter of law, on which the jury must have passed, under the direction of the court. But by traversing the plaintiff's citizenship specially, — that is, averring those facts on which the defendant relied to show that in point of law the plaintiff was not a citizen, and basing the traverse on those facts as a deduction therefrom, — opportunity was given to do, what was done; that is, to present directly to the court, by a demurrer, the sufficiency of those facts to negative, in point of law, the plaintiff's allegation of citizenship. This, then, being a special, and not a general or common traverse, the rule is settled, that the facts thus set out in the plea, as the reason or ground of the traverse, must of themselves constitute, in point of law, a negative of the allegation thus traversed. (Stephen on Pl. 183; Ch. on Pl. 620.) And upon a demurrer to this plea, the question which arises is, whether the facts, that the plaintiff is a negro, of African descent, whose ancestors were of pure African blood, and were brought into this

country and sold as negro slaves, *may all be true, and yet* the plaintiff be a citizen of the state of Missouri, within the meaning of the constitution and laws of the United States, which confer on citizens of one state the right to sue citizens of another state in the Circuit Courts. Undoubtedly, if these facts, taken together, amount to an allegation that, at the time of action brought, the plaintiff was himself a slave, the plea is sufficient. It has been suggested that the plea, in legal effect, does so aver, because, if his ancestors were sold as slaves, the presumption is, they continued slaves; and if so, the presumption is, the plaintiff was born a slave; and if so, the presumption is, he continued to be a slave to the time of action brought.

"I cannot think such presumptions can be resorted to, to help out defective averments in pleading; especially, in pleading in abatement, where the utmost certainty and precision are required. (Chitty on Pl. 457.) That the plaintiff himself was a slave at the time of action brought, is a substantive fact, having no necessary connection with the fact that his parents were sold as slaves. For they might have been sold after he was born; or the plaintiff himself, if once a slave, might have become a free man before action brought. To aver that his ancestors were sold as slaves, is not equivalent, in point of law, to an averment that he was a slave. If it were, he could not even confess and avoid the averment of the slavery of his ancestors, which would be monstrous; and if it be not equivalent in point of law, it cannot be treated as amounting thereto when demurred to; for a demurrer confesses only those substantive facts which are well pleaded, and not other distinct substantive facts which might be inferred therefrom by a jury. To treat an averment that the plaintiff's ancestors were Africans, brought to this country and sold as slaves, as amounting to an averment on the record that he was a slave, because it may lay

some foundation for presuming so, is to hold that the facts actually alleged may be treated as intended as evidence of another distinct fact not alleged. But it is a cardinal rule of pleading, laid down in *Dowman's case* (9 Rep. 9 b,) and in even earlier authorities therein referred to, 'that evidence shall never be pleaded, for it only tends to prove matter of fact; and therefore the matter of fact shall be pleaded.' Or, as the rule is sometimes stated, pleadings must not be argumentative. (*Stephen on Pleading*, 384, and authorities cited by him.) In *Com. Dig.*, *Pleader E. 3*, and *Bac. Abridgment*, *Pleas I. 5*, and *Stephen on Pl.*, many decisions under this rule are collected. In *trover*, for an indenture whereby A granted a manor, it is no plea that A did not grant the manor, for it does not answer the declaration except by argument. (*Yelv. 223.*) * * *

"In *Gassies vs. Ballou*, (6 Pet. 761,) the defendant was described on the record as a naturalized citizen of the United States, residing in Louisiana. The court held this equivalent to an averment that the defendant was a citizen of Louisiana; because a citizen of the United States, residing in any state of the Union, is, for purposes of jurisdiction, a citizen of that state. Now, the plea to the jurisdiction in this case does not controvert the fact that the plaintiff resided in Missouri at the date of the writ. If he did then reside there, and was also a citizen of the United States, no provisions contained in the constitution or laws of Missouri can deprive the plaintiff of his right to sue citizens of states other than Missouri in the courts of the United States.

"So that, under the allegations contained in this plea, and admitted by the demurrer, the question is, whether any person of African descent, whose ancestors were sold as slaves in the United States, can be a citizen of the United States. If any such person can be a citizen, this plaintiff has the right to the judgment of the court that he is so; for no cause

is shown by the plea why he is not so, except his descent and the slavery of his ancestors.

"The first section of the second article of the constitution uses the language, 'a citizen of the United States at the time of the adoption of the constitution.' One mode of approaching this question is, to inquire who were citizens of the United States at the time of the adoption of the constitution.

"Citizens of the United States at the time of the adoption of the constitution can have been no other than citizens of the United States under the confederation. By the Articles of Confederation, a government was organized, the style whereof was, 'The United States of America.' This government was in existence when the constitution was framed and proposed for adoption, and was to be superseded by the new government of the United States of America, organized under the constitution. When, therefore, the constitution speaks of citizenship of the United States, existing at the time of the adoption of the constitution, it must necessarily refer to citizenship under the government which existed prior to and at the time of such adoption.

"Without going into any question concerning the powers of the confederation to govern the territory of the United States out of the limits of the states, and consequently to sustain the relation of government and citizen in respect to the inhabitants of such territory, it may safely be said that the citizens of the several states were citizens of the United States under the confederation.

"That government was simply a confederacy of the several states, possessing a few defined powers over subjects of general concern, each state retaining every power, jurisdiction, and right, not expressly delegated to the United States in Congress assembled. And no power was thus delegated to the government of the confederation to act on any question of

citizenship, or to make any rules in respect thereto. The whole matter was left to stand upon the action of the several states, and to the natural consequence of such action, that the citizens of each state should be citizens of that confederacy into which that state had entered, the style whereof was, 'The United States of America.'

"To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the confederation, and consequently at the time of the adoption of the constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the states under the confederation, at the time of the adoption of the constitution.

"Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the states of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those states, but such of them as had the other necessary qualifications possessed the franchise of electors, on equal terms with other citizens.

"The Supreme Court of North Carolina, in the case of *The State vs. Manuel*, (4 Dev. and Bat. 20,) has declared the law of that state on this subject, in terms which I believe to be as sound law in the other states I have enumerated, as it was in North Carolina.

"According to the laws of this state,' says Judge Gaston in delivering the opinion of the court, 'all human beings within it, who are not slaves, fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our revolution, all free persons born within the dominions of the King of Great Britain, whatever their color or complexion, were native-born British subjects—those born out of his

allegiance were aliens. Slavery did not exist in England, but it did in the British colonies. Slaves were not in legal parlance persons, but property. The moment the incapacity, the disqualification of slavery, was removed, they became persons, and were then either British subjects, or not British subjects, according as they were or were not born within the allegiance of the British king. Upon the revolution, no other change took place in the laws of North Carolina, than was consequent on the transition from a colony dependent on a European king to a free and sovereign state. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made members of the state, remained aliens. Slaves, manumitted here, became freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the state are born citizens of the state. The constitution extended the elective franchise to every free-man who had arrived at the age of twenty-one, and paid a public tax; and it is a matter of universal notoriety, that, under it, free persons, without regard to color, claimed and exercised the franchise, until it was taken from free men of color a few years since by our amended constitution.'

"In *The State vs. Newcomb*, (5 Iredell's R. 253,) decided in 1844, the same court referred to this case of *The State vs. Manuel*, and said, 'That case underwent a very laborious investigation, both by the bar and the bench. The case was brought here by appeal, and was felt to be one of great importance in principle. It was considered with an anxiety and care worthy of the principle involved, and which gave it a controlling influence and authority on all questions of a similar character.'

"An argument from speculative premises, however well chosen, that the then state of opinion in the commonwealth of Massachusetts was not consistent with the natural rights of

people of color who were born on that soil, and that they were not, by the constitution of 1780 of that state, admitted to the condition of citizens, would be received with surprise by the people of that state, who know their own political history. It is true, beyond all controversy, that persons of color, descended from African slaves, were by that constitution made citizens of the state; and such of them as have had the necessary qualifications, have held and exercised the elective franchise, as citizens, from that time to the present. (See *Com. vs. Aves*, 18 Pick. R. 210.)

"The constitution of New Hampshire conferred the elective franchise upon 'every inhabitant of the state having the necessary qualifications,' of which color or descent was not one.

"The constitution of New York gave the right to vote to 'every male inhabitant who shall have resided,' &c.; making no discrimination between free colored persons and others. (See *Con. of N. Y.*, Art. 2, *Rev. Stats. of N. Y.*, vol. i. p. 126.)

"That of New Jersey, to 'all inhabitants of this colony, of full age, who are worth £50 proclamation money, clear estate.'

"New York, by its constitution of 1820, required colored persons to have some qualifications, as prerequisites for voting, which white persons need not possess. And New Jersey, by its present constitution, restricts the right to vote to white male citizens. But these changes can have no other effect upon the present inquiry, except to show, that before they were made, no such restrictions existed; and colored, in common with white persons, were not only citizens of those states, but entitled to the elective franchise on the same qualifications as white persons, as they now are in New Hampshire and Massachusetts. I shall not enter into an examination of the existing opinions of that period respecting the African race, nor into any discussion concerning the

meaning of those who asserted, in the Declaration of Independence, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. My own opinion is, that a calm comparison of these assertions of universal abstract truths, and of their own individual opinions and acts, would not leave these men under any reproach of inconsistency; that the great truths they asserted on that solemn occasion they were ready and anxious to make effectual, wherever a necessary regard to circumstances, which no statesman can disregard without producing more evil than good, would allow; and that it would not be just to them, nor true in itself, to allege that they intended to say that the Creator of all men had endowed the white race, exclusively, with the great natural rights which the Declaration of Independence asserts. But this is not the place to vindicate their memory. As I conceive, we should deal here, not with such disputes, if there can be a dispute concerning this subject, but with those substantial facts evinced by the written constitutions of states, and by the notorious practice under them. And they show, in a manner which no argument can obscure, that in some of the original thirteen states, free colored persons, before and at the time of the formation of the constitution, were citizens of those states.

"The fourth of the fundamental Articles of the Confederation was as follows: 'The free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several states.'

"The fact that free persons of color were citizens of some of the several states, and the consequence, that this fourth Article of the Confederation would have the effect to confer on such persons the privileges and immunities of general citizenship, were not only known to those who framed and adopted those Articles,

but the evidence is decisive, that the fourth article was intended to have that effect, and that more restricted language, which would have excluded such persons, was deliberately and purposely rejected.

"On the 25th of June, 1778, the Articles of Confederation being under consideration by the Congress, the delegates from South Carolina moved to amend this fourth article, by inserting after the word 'free,' and before the word 'inhabitants,' the word 'white,' so that the privileges and immunities of general citizenship would be secured only to white persons. Two states voted for the amendment, eight states against it, and the vote of one state was divided. The language of the article stood unchanged, and both by its terms of inclusion, 'free inhabitants,' and the strong implication from its terms of exclusion, 'paupers, vagabonds, and fugitives from justice,' who alone were excepted, it is clear, that under the confederation, and at the time of the adoption of the constitution, free colored persons of African descent might be, and, by reason of their citizenship in certain states, were, entitled to the privileges and immunities of general citizenship of the United States.

"Did the constitution of the United States deprive them or their descendants of citizenship?

"That constitution was ordained and established by the people of the United States, through the action, in each state, of those persons who were qualified by its laws to act thereon, in behalf of themselves and all other citizens of that state. In some of the states, as we have seen, colored persons were among those qualified by law to act on this subject. These colored persons were not only included in the body of 'the people of the United States,' by whom the constitution was ordained and established, but in at least five of the states they had the power to act, and doubtless did act, by their suffrages, upon the question of its

adoption. It would be strange if we were to find in that instrument any thing which deprived of their citizenship any part of the people of the United States who were among those by whom it was established.

"I can find nothing in the constitution which, *proprio vigore*, deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native-born citizens of any state after its adoption; nor any power enabling Congress to disfranchise persons born on the soil of any state, and entitled to citizenship of such state by its constitution and laws. And my opinion is, that, under the constitution of the United States, every free person born on the soil of a state, who is a citizen of that state by force of its constitution or laws, is also a citizen of the United States.

"I will proceed to state the grounds of that opinion.

"The first section of the second article of the constitution uses the language, 'a natural-born citizen.' It thus assumes that citizenship may be acquired by birth. Undoubtedly, this language of the constitution was used in reference to that principle of public law, well understood in this country at the time of the adoption of the constitution, which referred citizenship to the place of birth. At the declaration of independence, and ever since, the received general doctrine has been, in conformity with the common law, that free persons born within either of the colonies were subjects of the king; that by the declaration of independence, and the consequent acquisition of sovereignty by the several states, all such persons ceased to be subjects, and became citizens of the several states, except so far as some of them were disfranchised by the legislative power of the states, or availed themselves, seasonably, of the right to adhere to the British crown in the civil contest, and thus to continue British subjects. (*McIlvain vs. Coxe's Lessee*, 4 Cranch,

209; *Inglis vs. Sailors' Snug Harbor*, 3 Peters, 99; *Shanks vs. Dupont*, *Ibid.* 242.)

"The constitution having recognized the rule that persons born within the several states are citizens of the United States, one of four things must be true:—

"*First.* That the constitution itself has described what native-born persons shall or shall not be citizens of the United States; or,

"*Second.* That it has empowered Congress to do so; or,

"*Third.* That all free persons, born within the several states, are citizens of the United States; or,

"*Fourth.* That it is left to each state to determine what free persons, born within its limits, shall be citizens of such state, and *thereby* be citizens of the United States.

"If there be such a thing as citizenship of the United States acquired by birth within the states, which the constitution expressly recognizes, and no one denies, then these four alternatives embrace the entire subject, and it only remains to select that one which is true.

"That the constitution itself has defined citizenship of the United States by declaring what persons, born within the several states, shall or shall not be citizens of the United States, will not be pretended. It contains no such declaration. We may dismiss the first alternative, as without doubt unfounded.

"Has it empowered Congress to enact what free persons, born within the several states, shall or shall not be citizens of the United States?

"Before examining the various provisions of the constitution which may relate to this question, it is important to consider for a moment the substantial nature of this inquiry. It is, in effect, whether the constitution has empowered Congress to create privileged classes within the states, who alone can be entitled to the franchises and powers of citizenship of the United States. If it be admitted that the constitution

has enabled Congress to declare what free persons, born within the several states, shall be citizens of the United States, it must at the same time be admitted that it is an unlimited power. If this subject is within the control of Congress, it must depend wholly on its discretion. For, certainly, no limits of that discretion can be found in the constitution, which is wholly silent concerning it; and the necessary consequence is, that the federal government may select classes of persons within the several states who alone can be entitled to the political privileges of citizenship of the United States. If this power exists, what persons born within the states may be president or vice-president of the United States, or members of either House of Congress, or hold any office or enjoy any privilege whereof citizenship of the United States is a necessary qualification, must depend solely on the will of Congress. By virtue of it, though Congress can grant no title of nobility, they may create an oligarchy, in whose hands would be concentrated the entire power of the federal government.

"It is a substantive power, distinct in its nature from all others; capable of affecting not only the relations of the states to the general government, but of controlling the political condition of the people of the United States. Certainly we ought to find this power granted by the constitution, at least by some necessary inference, before we can say it does not remain to the states or the people. I proceed, therefore, to examine all the provisions of the constitution which may have some bearing on this subject.

"Among the powers expressly granted to Congress is 'the power to establish a uniform rule of naturalization.' It is not doubted that this is a power to prescribe a rule for the removal of the disabilities consequent on foreign birth. To hold that it extends farther than this, would do violence to the meaning of the term 'naturalization,' fixed in the common law,

(Co. Lit. 8 a, 129 a; 2 Ves. Sen. 286; 2 Bl. Com. 293,) and in the minds of those who concurred in framing and adopting the constitution. It was in this sense of conferring on an alien and his issue the rights and powers of a native-born citizen, that it was employed in the Declaration of Independence. It was in this sense it was expounded in the *Federalist*, (No. 42,) has been understood by Congress, by the judiciary, (2 Wheat. 259, 269; 3 Wash. R. 313, 322; 12 Wheat. 277,) and by commentators on the constitution. (3 Story's Com. on Con. 1-3; 1 Rawle on Con. 84-88; 1 Tucker's Bl. Com. App. 255-259.)

"It appears, then, that the only power expressly granted to Congress to legislate concerning citizenship, is confined to the removal of the disabilities of foreign birth.

"Whether there be any thing in the constitution from which a broader power may be implied, will best be seen when we come to examine the two other alternatives, which are, whether all free persons, born on the soil of the several states, or only such of them as may be citizens of each state, respectively, are thereby citizens of the United States. The last of these alternatives, in my judgment, contains the truth. * * *

"The first-named power, that of establishing a uniform rule of naturalization, was granted; and here the grant, according to its terms, stopped. Construing a constitution containing only limited and defined powers of government, the argument derived from this definite and restricted power to establish a rule of naturalization, must be admitted to be exceedingly strong. I do not say it is necessarily decisive. It might be controlled by other parts of the constitution. But when this particular subject of citizenship was under consideration, and, in the clause specially intended to define the extent of power concerning it, we find a particular part of this entire power separated from the residue, and conferred on the general

government, there arises a strong presumption that this is all which is granted, and that the residue is left to the states and to the people. And this presumption is, in my opinion, converted into a certainty, by an examination of all such other clauses of the constitution as touch this subject.

"I will examine each which can have any possible bearing on this question.

"The first clause of the second section of the third article of the constitution is, 'The judicial power shall extend to controversies between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between states, or the citizens thereof, and foreign states, citizens, or subjects.' I do not think this clause has any considerable bearing upon the particular inquiry now under consideration. Its purpose was, to extend the judicial power to those controversies into which local feelings or interests might so enter as to disturb the course of justice, or give rise to suspicions that they had done so, and thus possibly give occasion to jealousy or ill will between different states, or a particular state and a foreign nation. At the same time, I would remark, in passing, that it has never been held—I do not know that it has ever been supposed—that any citizen of a state could bring himself under this clause and the eleventh and twelfth sections of the judiciary act of 1789, passed in pursuance of it, who was not a citizen of the United States. But I have referred to the clause only because it is one of the places where citizenship is mentioned by the constitution. Whether it is entitled to any weight in this inquiry or not, it refers only to citizenship of the several states; it recognizes that; but it does not recognize citizenship of the United States as something distinct therefrom.

"As has been said, the purpose of this clause did not necessarily connect it with citizenship

of the United States, even if that were something distinct from citizenship of the several states, in the contemplation of the constitution. This cannot be said of other clauses of the constitution, which I now proceed to refer to.

“‘The citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states.’ Nowhere else in the constitution is there any thing concerning a general citizenship; but here, privileges and immunities to be enjoyed throughout the United States, under and by force of the national compact, are granted and secured. In selecting those who are to enjoy these national rights of citizenship, how are they described? As citizens of each state. It is to them these national rights are secured. The qualification for them is not to be looked for in any provision of the constitution or laws of the United States. They are to be citizens of the several states, and, as such, the privileges and immunities of general citizenship, derived from and guaranteed by the constitution, are to be enjoyed by them. It would seem that if it had been intended to constitute a class of native-born persons within the states, who should derive their citizenship of the United States from the action of the federal government, this was an occasion for referring to them. It cannot be supposed that it was the purpose of this article to confer the privileges and immunities of citizens in all the states upon persons not citizens of the United States.

“And if it was intended to secure these rights only to citizens of the United States, how has the constitution here described such persons? Simply as citizens of each state.

“But, further: though, as I shall presently more fully state, I do not think the enjoyment of the elective franchise essential to citizenship, there can be no doubt it is one of the chiefest attributes of citizenship under the American constitutions; and the just and constitutional

possession of this right is decisive evidence of citizenship. The provisions made by a constitution on this subject must therefore be looked to as bearing directly on the question what persons are citizens under that constitution; and as being decisive, to this extent, that all such persons as are allowed by the constitution to exercise the elective franchise, and thus to participate in the government of the United States, must be deemed citizens of the United States.

“Here, again, the consideration presses itself upon us, that if there was designed to be a particular class of native-born persons within the states, deriving their citizenship from the constitution and laws of the United States, they should at least have been referred to as those by whom the president and house of representatives were to be elected, and to whom they should be responsible.

“Instead of that, we again find this subject referred to the laws of the several states. The electors of president are to be appointed in such manner as the legislature of each state may direct, and the qualifications of electors of members of the house of representatives shall be the same as for electors of the most numerous branch of the state legislature.

“Laying aside, then, the case of aliens, concerning which the constitution of the United States has provided, and confining our view to free persons born within the several states, we find that the constitution has recognized the general principle of public law, that allegiance and citizenship depend on the place of birth; that it has not attempted practically to apply this principle by designating the particular classes of persons who should or should not come under it; that when we turn to the constitution for an answer to the question, what free persons, born within the several states, are citizens of the United States, the only answer we can receive from any of its express provisions is, the citizens of the several states are to

enjoy the privileges and immunities of citizens in every state, and their franchise as electors under the constitution depends on their citizenship in the several states. Add to this, that the constitution was ordained by the citizens of the several states; that they were 'the people of the United States,' for whom and whose posterity the government was declared in the preamble of the constitution to be made; that each of them was 'a citizen of the United States at the time of the adoption of the constitution,' within the meaning of those words in that instrument; that by them the government was to be and was in fact organized; and that no power is conferred on the government of the Union to discriminate between them, or to disfranchise any of them — the necessary conclusion is, that those persons born within the several states, who, by force of their respective constitutions and laws, are citizens of the state, are thereby citizens of the United States.

"It may be proper here to notice some supposed objections to this view of the subject.

"It has been often asserted that the constitution was made exclusively by and for the white race. It has already been shown that in five of the thirteen original states, colored persons then possessed the elective franchise, and were among those by whom the constitution was ordained and established. If so, it is not true, in point of fact, that the constitution was made exclusively by the white race. And that it was made exclusively for the white race is, in my opinion, not only an assumption not warranted by any thing in the constitution, but contradicted by its opening declaration, that it was ordained and established by the people of the United States, for themselves and their posterity. And as free colored persons were then citizens of at least five states, and so in every sense part of the people of the United States, they were among those for whom and whose posterity the constitution was ordained and established.

"Again, it has been objected that if the constitution has left to the several states the rightful power to determine who of their inhabitants shall be citizens of the United States, the states may make aliens citizens.

"The answer is obvious. The constitution has left to the states the determination what persons, born within their respective limits, shall acquire by birth citizenship of the United States; it has not left to them any power to prescribe any rule for the removal of the disabilities of alienage. This power is exclusively in Congress.

"It has been further objected, that if free colored persons, born within a particular state, and made citizens of that state by its constitution and laws, are thereby made citizens of the United States, then, under the second section of the fourth article of the constitution, such persons would be entitled to all the privileges and immunities of citizens in the several states; and if so, then colored persons could vote, and be eligible to not only federal offices, but offices even in those states whose constitutions and laws disqualify colored persons from voting or being elected to office.

"But this position rests upon an assumption which I deem untenable. Its basis is, that no one can be deemed a citizen of the United States who is not entitled to enjoy all the privileges and franchises which are conferred on any citizen. (See 1 Lit. Kentucky R. 326.) That this is not true, under the constitution of the United States, seems to me clear.

"A naturalized citizen cannot be president of the United States, nor a senator till after the lapse of nine years, nor a representative till after the lapse of seven years, from his naturalization. Yet, as soon as naturalized, he is certainly a citizen of the United States. Nor is any inhabitant of the District of Columbia, or of either of the territories, eligible to the office of senator or representative in Congress, though they may be citizens of the United

States. So, in all the states, numerous persons, though citizens, cannot vote, or cannot hold office, either on account of their age, or sex, or the want of the necessary legal qualifications. The truth is, that citizenship, under the constitution of the United States, is not dependent on the possession of any particular political or even of all civil rights; and any attempt so to define it must lead to error. To what citizens the elective franchise shall be confided, is a question to be determined by each state, in accordance with its own views of the necessities or expedencies of its condition. What civil rights shall be enjoyed by its citizens, and whether all shall enjoy the same, or how they may be gained or lost, are to be determined in the same way. * * *

“There is one view of this article entitled to consideration in this connection. It is manifestly copied from the fourth of the Articles of Confederation, with only slight changes of phraseology, which render its meaning more precise, and dropping the clause which excluded paupers, vagabonds, and fugitives from justice, probably because these cases could be dealt with under the police powers of the states, and a special provision therefore was not necessary. It has been suggested, that in adopting it into the constitution, the words ‘free inhabitants’ were changed for the word ‘citizens.’ An examination of the forms of expression commonly used in the state papers of that day, and an attention to the substance of this article of the confederation, will show that the words ‘free inhabitants,’ as then used, were synonymous with citizens. When the Articles of Confederation were adopted, we were in the midst of the war of the revolution, and there were very few persons then embraced in the words ‘free inhabitants’ who were not born on our soil. It was not a time when many, save the children of the soil, were willing to embark their fortunes in our cause; and though there might be an inaccuracy in the uses of words to call free

inhabitants citizens, it was then a technical rather than a substantial difference. If we look into the constitutions and state papers of that period, we find the inhabitants or people of these colonies, or the inhabitants of this state, or commonwealth, employed to designate those whom we should now denominate citizens. The substance and purpose of the article prove it was in this sense it used these words: it secures to the free inhabitants of each state the privileges and immunities of free citizens in every state. It is not conceivable that the states should have agreed to extend the privileges of citizenship to persons not entitled to enjoy the privileges of citizens in the states where they dwelt; that under this article there was a class of persons in some of the states, not citizens, to whom were secured all the privileges and immunities of citizens when they went into other states; and the just conclusion is, that though the constitution cured an inaccuracy of language, it left the substance of this article in the national constitution the same as it was in the Articles of Confederation.

“The history of this fourth article, respecting the attempt to exclude free persons of color from its operation, has been already stated. It is reasonable to conclude that this history was known to those who framed and adopted the constitution. That under this fourth article of the confederation, free persons of color might be entitled to the privileges of general citizenship, if otherwise entitled thereto, is clear. When this article was, in substance, placed in and made part of the constitution of the United States, with no change in its language calculated to exclude free colored persons from the benefit of its provisions, the presumption is, to say the least, strong, that the practical effect which it was designed to have, and did have, under the former government, it was designed to have, and should have, under the new government. * * *

"It has sometimes been urged that colored persons are shown not to be citizens of the United States by the fact that the naturalization laws apply only to white persons. But whether a person born in the United States be or be not a citizen, cannot depend on laws which refer only to aliens, and do not affect the *status* of persons born in the United States. The utmost effect which can be attributed to them is, to show that Congress has not deemed it expedient generally to apply the rule to colored aliens. That they might do so, if thought fit, is clear. The constitution has not excluded them. And since that has conferred the power on Congress to naturalize colored aliens, it certainly shows color is not a necessary qualification for citizenship under the constitution of the United States. It may be added, that the power to make colored persons citizens of the United States, under the constitution, has been actually exercised in repeated and important instances. (See the Treaties with the Choctaws, of September 27, 1830, art. 14; with the Cherokees, of May 23, 1836, art. 12; Treaty of Guadalupe Hidalgo, February 2, 1848, art. 8.)

"I do not deem it necessary to review at length the legislation of Congress having more or less bearing on the citizenship of colored persons. It does not seem to me to have any considerable tendency to prove that it has been considered by the legislative department of the government, that no such persons are citizens of the United States. Undoubtedly they have been debarred from the exercise of particular rights or privileges extended to white persons, but, I believe, always in terms which, by implication, admit they may be citizens. Thus the act of May 17, 1792, for the organization of the militia, directs the enrolment of 'every free, able-bodied, white male citizen.' An assumption that none but white persons are citizens, would be as inconsistent with the just import of this language, as that all citizens are able-bodied, or males.

"So the act of February 28, 1803, (2 Stat. at Large, 205,) to prevent the importation of certain persons into states, when by the laws thereof their admission is prohibited, in its first section forbids all masters of vessels to import or bring 'any negro, mulatto, or other person of color, not being a native, a *citizen*, or registered seaman of the United States,' &c.

"The acts of March 3, 1813, section 1, (2 Stat. at Large, 809,) and March 1, 1817, section 3, (3 Stat. at Large, 351,) concerning seamen, certainly imply there may be persons of color, natives of the United States, who are not citizens of the United States. This implication is undoubtedly in accordance with the fact. For not only slaves, but free persons of color, born in some of the states, are not citizens. But there is nothing in these laws inconsistent with the citizenship of persons of color in others of the states, nor with their being citizens of the United States.

"Whether much or little weight should be attached to the particular phraseology of these and other laws, which were not passed with any direct reference to this subject, I consider their tendency to be, as already indicated, to show that, in the apprehension of their framers, color was not a necessary qualification of citizenship. It would be strange if laws were found on our statute book to that effect, when, by solemn treaties, large bodies of Mexican and North American Indians, as well as free colored inhabitants of Louisiana, have been admitted to citizenship of the United States.

"In the legislative debates which preceded the admission of the state of Missouri into the Union, this question was agitated. Its result is found in the resolution of Congress of March 5, 1821, for the admission of that state into the Union. The constitution of Missouri, under which that state applied for admission into the Union, provided, that it should be the duty of the legislature 'to pass laws to prevent free negroes and mulattoes from coming to and

settling in the state, under any pretext whatever.' One ground of objection to the admission of the state under this constitution was, that it would require the legislature to exclude free persons of color, who would be entitled, under the second section of the fourth article of the constitution, not only to come within the state, but to enjoy there the privileges and immunities of citizens. The resolution of Congress admitting the state was upon the fundamental condition, 'that the constitution of Missouri shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the states of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States.' It is true that neither this legislative declaration, nor any thing in the constitution or laws of Missouri, could confer or take away any privilege or immunity granted by the constitution. But it is also true that it expresses the then conviction of the legislative power of the United States, that free negroes, as citizens of some of the states, might be entitled to the privileges and immunities of citizens in all the states.

"The conclusions at which I have arrived on this part of the case are, —

"*First.* That the free native-born citizens of each state are citizens of the United States.

"*Second.* That as free colored persons born within some of the states are citizens of those states, such persons are also citizens of the United States.

"*Third.* That every such citizen, residing in any state, has the right to sue and is liable to be sued in the federal courts, as a citizen of that state in which he resides.

"*Fourth.* That as the plea to the jurisdiction in this case shows no facts, except that the plaintiff was of African descent, and his ancestors were sold as slaves, and as these facts are

not inconsistent with his citizenship of the United States, and his residence in the state of Missouri, the plea to the jurisdiction was bad, and the judgment of the Circuit Court overruling it was correct.

"I dissent, therefore, from that part of the opinion of the majority of the court, in which it is held that a person of African descent cannot be a citizen of the United States; and I regret I must go farther, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri compromise act, and the grounds and conclusions announced in their opinion.

"Having first decided that they were bound to consider the sufficiency of the plea to the jurisdiction of the Circuit Court, and having decided that this plea showed that the Circuit Court had not jurisdiction, and consequently that this is a case to which the judicial power of the United States does not extend, they have gone on to examine the merits of the case as they appeared on the trial before the court and jury, on the issues joined on the pleas in bar, and so have reached the question of the power of Congress to pass the act of 1820. On so grave a subject as this, I feel obliged to say that, in my opinion, such an exertion of judicial power transcends the limits of the authority of the court, as described by its repeated decisions, and, as I understand, acknowledged in this opinion of the majority of the court. * * *

"But as, in my opinion, the Circuit Court had jurisdiction, I am obliged to consider the question whether its judgment on the merits of the case should stand or be reversed.

"The residence of the plaintiff in the state of Illinois, and the residence of himself and his wife in the territory acquired from France lying north of latitude thirty-six degrees thirty minutes, and north of the state of Missouri, are each relied on by the plaintiff in error.

As the residence in the territory affects the plaintiff's wife and children as well as himself, I must inquire what was its effect.

"The general question may be stated to be, whether the plaintiff's *status*, as a slave, was so changed by his residence within that territory, that he was not a slave in the state of Missouri at the time this action was brought.

"In such cases, two inquiries arise, which may be confounded, but should be kept distinct.

"The first is, what was the law of the territory, into which the master and slave went, respecting the relation between them?

"The second is, whether the state of Missouri recognizes and allows the effect of that law of the territory on the *status* of the slave, on his return within its jurisdiction.

"As to the first of these questions, the will of states and nations, by whose municipal law slavery is not recognized, has been manifested in three different ways.

"One is, absolutely to dissolve the relation, and terminate the rights of the master existing under the law of the country whence the parties came. This is said by Lord Stowell, in the case of the slave Grace, (2 Hag. Ad. R. 94,) and by the Supreme Court of Louisiana in the case of Maria Louise *vs.* Marot, (9 Louis. R. 473,) to be the law of France; and it has been the law of several states of this Union, in respect to slaves introduced under certain conditions. (Wilson *vs.* Isabel, 5 Call's R. 430; Hunter *vs.* Hulcher, 1 Leigh, 172; Stewart *vs.* Oaks, 5 Har. and John. 107.)

"The second is, where, the municipal law of a country not recognizing slavery, it is the will of the state to refuse the master all aid to exercise any control over his slave; and if he attempt to do so, in a manner justifiable only by that relation, to prevent the exercise of that control. But no law exists designed to operate directly on the relation of master and slave, and put an end to that relation. This is said

by Lord Stowell, in the case above mentioned, to be the law of England, and by Mr. Chief Justice Shaw, in the case of the Commonwealth *vs.* Aves, (18 Pick. 193,) to be the law of Massachusetts.

"The third is, to make a distinction between the case of a master and his slave only temporarily in the country, *animo non manendi*, and those who are there to reside for permanent or indefinite purposes. This is said by Mr. Wheaton to be the law of Prussia, and was formerly the statute law of several states of our Union. It is necessary in this case to keep in view this distinction between those countries whose laws are designed to act directly on the *status* of a slave, and make him a free man, and those where his master can obtain no aid from the laws to enforce his rights.

"It is to the last case only that the authorities, out of Missouri, relied on by defendant, apply, when the residence in the non-slaveholding territory was permanent. In the Commonwealth *vs.* Aves, (18 Pick. 218,) Mr. Chief Justice Shaw said, 'From the principle above stated, on which a slave brought here becomes free,—to wit, that he becomes entitled to the protection of our laws,—it would seem to follow, as a necessary conclusion, that if the slave waives the protection of those laws, and returns to the state where he is held as a slave, his condition is not changed.' It was upon this ground, as is apparent from his whole reasoning, that Sir William Scott rests his opinion in the case of the slave Grace. To use one of his expressions, the effect of the law of England was to put the liberty of the slave into a parenthesis. If there had been an act of Parliament declaring that a slave coming to England with his master should thereby be deemed no longer to be a slave, it is easy to see that the learned judge could not have arrived at the same conclusion. This distinction is very clearly stated and shown by President Tucker, in his opinion in the case of Betty *vs.* Horton,

(5 Leigh's Virginia R. 615.) (See also Hunter *vs.* Fletcher, 1 Leigh's Va. R. 172; Maria Louise *vs.* Marot, 9 Louisiana R.; Smith *vs.* Smith, 13 Ib. 441; Thomas *vs.* Genevieve, 16 Ib. 483; Rankin *vs.* Lydia, 2 A. K. Marshall, 467; Davies *vs.* Tingle, 8 B. Munroe, 539; Griffeth *vs.* Fanny, Gilm. V. R. 143; Lumford *vs.* Coquillon, 14 Martin's La. R. 405; Josephine *vs.* Poultney, 1 Louis. Ann. R. 329.)

"But if the acts of Congress on this subject are valid, the law of the territory of Wisconsin, within whose limits the residence of the plaintiff and his wife, and their marriage and the birth of one or both of their children, took place, falls under the first category, and is a law operating directly on the *status* of the slave. By the eighth section of the act of March 6, 1820, (3 Stat. at Large, 548,) it was enacted that, within this territory, 'slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always,* that any person escaping into the same, from whom labor or service is lawfully claimed in any state or territory in the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.'

"By the act of April 20, 1836, (4 Stat. at Large, 10,) passed in the same month and year of the removal of the plaintiff to Fort Snelling, this part of the territory ceded by France, where Fort Snelling is, together with so much of the territory of the United States east of the Mississippi as now constitutes the state of Wisconsin, was brought under a territorial government, under the name of the Territory of Wisconsin. By the eighteenth section of this act, it was enacted, 'That the inhabitants of this territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the territory of the United States

north-west of the River Ohio, by the articles of compact contained in the ordinance for the government of said territory, passed on the 13th day of July, 1787; and shall be subject to all the restrictions and prohibitions in said articles of compact imposed upon the people of the said territory.' The sixth article of that compact is, 'There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted. *Provided, always,* that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.' By other provisions of this act establishing the territory of Wisconsin, the laws of the United States, and the then existing laws of the state of Michigan, are extended over the territory; the latter being subject to alteration and repeal by the legislative power of the territory created by the act.

"Fort Snelling was within the territory of Wisconsin, and these laws were extended over it. The Indian title to that site for a military post had been acquired from the Sioux nation as early as September 23, 1805, (Am. State Papers, Indian Affairs, vol. i. p. 744,) and until the erection of the territorial government, the persons at that post were governed by the rules and articles of war, and such laws of the United States, including the eighth section of the act of March 6, 1820, prohibiting slavery, as were applicable to their condition; but after the erection of the territory, and the extension of the laws of the United States and the laws of Michigan over the whole of the territory, including this military post, the persons residing there were under the dominion of those laws in all particulars to which the rules and articles of war did not apply.

"It thus appears that, by these acts of Con-

gress, not only was a general system of municipal law borrowed from the state of Michigan, which did not tolerate slavery, but it was positively enacted that slavery and involuntary servitude, with only one exception, specifically described, should not exist there. It is not simply that slavery is not recognized and cannot be aided by the municipal law. It is recognized for the purpose of being absolutely prohibited, and declared incapable of existing within the territory, save in the instance of a fugitive slave.

"It would not be easy for the legislature to employ more explicit language to signify its will that the *status* of slavery should not exist within the territory, than the words found in the act of 1820, and in the ordinance of 1787; and if any doubt could exist concerning their application to cases of masters coming into the territory with their slaves to reside, that doubt must yield to the inference required by the words of exception. That exception is, of cases of fugitive slaves. An exception from a prohibition marks the extent of the prohibition; for it would be absurd, as well as useless, to except from a prohibition a case not contained within it. (9 Wheat. 200.) I must conclude, therefore, that it was the will of Congress that the state of involuntary servitude of a slave, coming into the territory with his master, should cease to exist. The Supreme Court of Missouri so held in *Rachel vs. Walker*, (4 Misso. R. 350,) which was the case of a military officer going into the territory with two slaves.

"But it is a distinct question whether the law of Missouri recognized and allowed effect to the change wrought in the *status* of the plaintiff, by force of the laws of the territory of Wisconsin. * * *

"I have not heard it suggested that there was any statute of the state of Missouri bearing on this question. The customary law of Missouri is the common law, introduced by statute in

1816. (1 Ter. Laws, 436.) And the common law, as Blackstone says, (4 Com. 67,) adopts, in its full extent, the law of nations, and holds it to be a part of the law of the land. * *

"It appears that this case came on for trial before the Circuit Court and a jury, upon an issue, in substance, whether the plaintiff, together with his wife and children, were the slaves of the defendant.

"The court instructed the jury that, 'upon the facts in this case, the law is with the defendant.' This withdrew from the jury the consideration and decision of every matter of fact. The evidence in the case consisted of written admissions, signed by the counsel of the parties. If the case had been submitted to the judgment of the court, upon an agreed statement of facts, entered of record, in place of a special verdict, it would have been necessary for the court below, and for this court, to pronounce its judgment solely on those facts, thus agreed, without inferring any other facts therefrom. By the rules of the common law applicable to such a case, and by force of the seventh article of the amendments of the constitution, this court is precluded from finding any fact not agreed to by the parties on the record. No submission to the court on a statement of facts was made. It was a trial by jury, in which certain admissions, made by the parties, were the evidence. The jury were not only competent, but were bound to draw from that evidence every inference which, in their judgment, exercised according to the rules of law, it would warrant. The Circuit Court took from the jury the power to draw any inferences from the admissions made by the parties, and decided the case for the defendant. This course can be justified here, if at all, only by its appearing that upon the facts agreed, and all such inferences of fact favorable to the plaintiff's case as the jury might have been warranted in drawing from those admissions, the law was with the defendant. Otherwise, the

plaintiff would be deprived of the benefit of his trial by jury, by whom, for aught we can know, those inferences favorable to his case would have been drawn.

"The material facts agreed, bearing on this part of the case, are, that Dr. Emerson, the plaintiff's master, resided about two years at the military post of Fort Snelling, being a surgeon in the army of the United States, his domicile of origin being unknown; and what, if any thing, he had done, to preserve or change his domicile prior to his residence at Rock Island, being also unknown.

"Now, it is true, that under some circumstances the residence of a military officer at a particular place in the discharge of his official duties, does not amount to the acquisition of a technical domicile. But it cannot be affirmed, with correctness, that it never does. There being actual residence, and this being presumptive evidence of domicile, all the circumstances of the case must be considered before a legal conclusion can be reached that his place of residence is not his domicile. If a military officer stationed at a particular post should entertain an expectation that his residence there would be indefinitely protracted, and in consequence should remove his family to the place where his duties were to be discharged, form a permanent domestic establishment there, exercise there the civil rights and discharge the civil duties of an inhabitant, while he did no act and manifested no intent to have a domicile elsewhere, I think no one would say that the mere fact that he was himself liable to be called away by the orders of the government would prevent his acquisition of a technical domicile at the place of the residence of himself and his family. In other words, I do not think a military officer incapable of acquiring a domicile. (*Bruce vs. Bruce*, 2 Bos. and Pul. 230; *Munroe vs. Douglass*, 5 Mad. Ch. R. 232.) This being so, this case stands thus: there was evidence before the jury that Emerson resided

about two years at Fort Snelling, in the territory of Wisconsin. This may or may not have been with such intent as to make it his technical domicile. The presumption is, that it was. It is so laid down by this court, in *Ennis vs. Smith*, (14 How.,) and the authorities in support of the position are there referred to. His intent was a question of fact for the jury. (*Fitchburg vs. Winchendon*, 4 Cush. 190.)

"The case was taken from the jury. If they had power to find that the presumption of the necessary intent had not been rebutted, we cannot say, on this record, that Emerson had not his technical domicile at Fort Snelling. But, for reasons which I shall now proceed to give, I do not deem it necessary in this case to determine the question of the technical domicile of Dr. Emerson.

"It must be admitted that the inquiry, whether the law of a particular country has rightfully fixed the *status* of a person, so that, in accordance with the principles of international law, that *status* should be recognized in other jurisdictions, ordinarily depends on the question whether the person was domiciled in the country whose laws are asserted to have fixed his *status*. But, in the United States, questions of this kind may arise, where an attempt to decide solely with reference to technical domicile, tested by the rules which are applicable to changes of places of abode from one country to another, would not be consistent with sound principles. And, in my judgment, this is one of those cases.

"The residence of the plaintiff, who was taken by his master, Dr. Emerson, as a slave, from Missouri to the state of Illinois, and thence to the territory of Wisconsin, must be deemed to have been for the time being, and until he asserted his own separate intention, the same as the residence of his master; and the inquiry, whether the personal statutes of the territory were rightfully extended over the plaintiff, and ought, in accordance with the rules of

international law, to be allowed to fix his *status*, must depend upon the circumstances under which Dr. Emerson went into that territory, and remained there; and upon the further question, whether any thing was there rightfully done by the plaintiff to cause those personal statutes to operate on him.

"Dr. Emerson was an officer in the army of the United States. He went into the territory to discharge his duty to the United States. The place was out of the jurisdiction of any particular state, and within the exclusive jurisdiction of the United States. It does not appear where the domicile of origin of Dr. Emerson was, nor whether or not he had lost it, and gained another domicile, nor of what particular state, if any, he was a citizen.

"On what ground can it be denied that all valid laws of the United States, constitutionally enacted by Congress for the government of the territory, rightfully extended over an officer of the United States and his servant who went into the territory to remain there for an indefinite length of time, to take part in its civil or military affairs? They were not foreigners, coming from abroad. Dr. Emerson was a citizen of the country which had exclusive jurisdiction over the territory; and not only a citizen, but he went there in a public capacity, in the service of the same sovereignty which made the laws. Whatever those laws might be, whether of the kind denominated personal statutes or not, so far as they were intended by the legislative will, constitutionally expressed, to operate on him and his servant, and on the relations between them, they had a rightful operation, and no other state or country can refuse to allow that those laws might rightfully operate on the plaintiff and his servant, because such a refusal would be a denial that the United States could, by laws constitutionally enacted, govern their own servants, residing on their own territory, over which the United States had the exclusive control, and in

respect to which they are an independent sovereign power. Whether the laws now in question were constitutionally enacted, I repeat once more, is a separate question. But, assuming that they were, and that they operated directly on the *status* of the plaintiff, I consider that no other state or country could question the rightful power of the United States so to legislate, or, consistently with the settled rules of international law, could refuse to recognize the effects of such legislation upon the *status* of their officers and servants, as valid every where.

"This alone would, in my apprehension, be sufficient to decide this question.

"But there are other facts stated on the record which should not be passed over. It is agreed that, in the year 1836, the plaintiff, while residing in the territory, was married, with the consent of Dr. Emerson, to Harriet, named in the declaration as his wife, and that Eliza and Lizzie were the children of that marriage, the first named having been born on the Mississippi River, north of the line of Missouri, and the other having been born after their return to Missouri. And the inquiry is, whether, after the marriage of the plaintiff in the territory, with the consent of Dr. Emerson, any other state or country can, consistently with the settled rules of international law, refuse to recognize and treat him as a free man, when suing for the liberty of himself, his wife, and the children of that marriage. It is in reference to his *status*, as viewed in other states and countries, that the contract of marriage and the birth of children become strictly material. At the same time, it is proper to observe that the female to whom he was married having been taken to the same military post of Fort Snelling as a slave, and Dr. Emerson claiming also to be her master at the time of her marriage, her *status*, and that of the children of the marriage, are also affected by the same considerations.

"If the laws of Congress governing the territory of Wisconsin were constitutional and valid laws, there can be no doubt these parties were capable of contracting a lawful marriage, attended with all the usual civil rights and obligations of that condition. In that territory they were absolutely free persons, having full capacity to enter into the civil contract of marriage.

"It is a principle of international law, settled beyond controversy in England and America, that a marriage valid by the law of the place where it was contracted, and not in fraud of the law of any other place, is valid every where; and that no technical domicile at the place of the contract is necessary to make it so. (See Bishop on Mar. and Div. 125-129, where the cases are collected.)

"If, in Missouri, the plaintiff were held to be a slave, the validity and operation of his contract of marriage must be denied. He can have no legal rights; of course, not those of a husband and father. And the same is true of his wife and children. The denial of his rights is the denial of theirs. So that, though lawfully married in the territory, when they came out of it, into the state of Missouri, they were no longer husband and wife; and a child of that lawful marriage, though born under the same dominion where its parents contracted a lawful marriage, is not the fruit of that marriage, nor the child of its father, but subject to the maxim, *Partus sequitur ventrem*.

"It must be borne in mind that in this case there is no ground for the inquiry, whether it be the will of the state of Missouri not to recognize the validity of the marriage of a fugitive slave, who escapes into a state or country where slavery is not allowed, and there contracts a marriage; or the validity of such a marriage, where the master, being a citizen of the state of Missouri, voluntarily goes with his slave, *in itinere*, into a state or country which does not permit slavery to exist, and the slave there

contracts marriage without the consent of his master; for in this case, it is agreed, Dr. Emerson did consent; and no further question can arise concerning his rights, so far as their assertion is inconsistent with the validity of the marriage. Nor do I know of any ground for the assertion that this marriage was in fraud of any law of Missouri. It has been held by this court, that a bequest of property by a master to his slave, by necessary implication entitles the slave to his freedom; because only as a free man could he take and hold the bequest. (*Legrand vs. Darnall*, 2 Pet. R. 664.) It has also been held, that when a master goes with his slave to reside for an indefinite period in a state where slavery is not tolerated, this operates as an act of manumission; because it is sufficiently expressive of the consent of the master that the slave should be free. (2 Marshall's Ken. R. 470; 14 Martin's Louis. R. 401.)

"What, then, shall we say of the consent of the master, that the slave may contract a lawful marriage, attended with all the civil rights and duties which belong to that relation; that he may enter into a relation which none but a free man can assume — a relation which involves not only the rights and duties of the slave, but those of the other party to the contract, and of their descendants to the remotest generation? In my judgment, there can be no more effectual abandonment of the legal rights of a master over his slave, than by the consent of the master that the slave should enter into a contract of marriage, in a free state, attended by all the civil rights and obligations which belong to that condition.

"And any claim by Dr. Emerson, or any one claiming under him, the effect of which is to deny the validity of this marriage, and the lawful paternity of the children born from it, wherever asserted, is, in my judgment, a claim inconsistent with good faith and sound reason, as well as with the rules of international law. And I go further: in my opinion, a law of the

state of Missouri, which should thus annul a marriage lawfully contracted by these parties while resident in Wisconsin, not in fraud of any law of Missouri, or of any right of Dr. Emerson, who consented thereto, would be a law impairing the obligation of a contract, and within the prohibition of the constitution of the United States. (See 4 Wheat. 629, 695, 696.)

"To avoid misapprehension on this important and difficult subject, I will state, distinctly, the conclusions at which I have arrived. They are, —

"*First.* The rules of international law respecting the emancipation of slaves, by the rightful operation of the laws of another state or country upon the *status* of the slave, while resident in such foreign state or country, are part of the common law of Missouri, and have not been abrogated by any statute law of that state.

"*Second.* The laws of the United States, constitutionally enacted, which operated directly on and changed the *status* of a slave coming into the territory of Wisconsin with his master who went thither to reside for an indefinite length of time, in the performance of his duties as an officer of the United States, had a rightful operation on the *status* of the slave; and it is in conformity with the rules of international law that this change of *status* should be recognized every where.

"*Third.* The laws of the United States, in operation in the territory of Wisconsin at the time of the plaintiff's residence there, did act directly on the *status* of the plaintiff, and change his *status* to that of a free man.

"*Fourth.* The plaintiff and his wife were capable of contracting, and, with the consent of Dr. Emerson, did contract, a marriage in that territory, valid under its laws; and the validity of this marriage cannot be questioned in Missouri, save by showing that it was in fraud of the laws of that state, or of some right derived

from them; which cannot be shown in this case, because the master consented to it.

"*Fifth.* That the consent of the master that his slave, residing in a country which does not tolerate slavery, may enter into a lawful contract of marriage, attended with the civil rights and duties which belong to that condition, is an effectual act of emancipation. And the law does not enable Dr. Emerson, or any one claiming under him, to assert a title to the married persons as slaves, and thus destroy the obligation of the contract of marriage, and bastardize their issue, and reduce them to slavery. * * *

"I have thus far assumed, merely for the purpose of the argument, that the laws of the United States, respecting slavery in this territory, were constitutionally enacted by Congress. It remains to inquire whether they are constitutional and binding laws.

"In the argument of this part of the case at bar, it was justly considered by all the counsel to be necessary to ascertain the source of the power of Congress over the territory belonging to the United States. Until this is ascertained, it is not possible to determine the extent of that power. On the one side it was maintained that the constitution contains no express grant of power to organize and govern what is now known to the laws of the United States as a territory; that whatever power of this kind exists, is derived by implication from the capacity of the United States to hold and acquire territory out of the limits of any state, and the necessity for its having some government.

"On the other side, it was insisted that the constitution has not failed to make an express provision for this end, and that it is found in the third section of the fourth article of the constitution.

"To determine which of these is the correct view, it is needful to advert to some facts respecting this subject, which existed when the

constitution was framed and adopted. It will be found that these facts not only shed much light on the question, whether the framers of the constitution omitted to make a provision concerning the power of Congress to organize and govern territories, but they will also aid in the construction of any provision which may have been made respecting this subject.

"Under the confederation, the unsettled territory within the limits of the United States had been a subject of deep interest. Some of the states insisted that these lands were within their chartered boundaries, and that they had succeeded to the title of the crown to the soil. On the other hand, it was argued that the vacant lands had been acquired by the United States, by the war carried on by them under a common government and for the common interest.

"This dispute was further complicated by unsettled questions of boundary among several states. It not only delayed the accession of Maryland to the confederation, but at one time seriously threatened its existence. (5 Jour. of Cong. 208, 442.) Under the pressure of these circumstances, Congress earnestly recommended to the several states a cession of their claims and rights to the United States. (5 Jour. of Cong. 442.) And before the constitution was framed, it had been begun. That by New York had been made on the 1st day of March, 1781; that of Virginia on the 1st day of March, 1784; that of Massachusetts on the 19th day of April, 1785; that of Connecticut on the 14th day of September, 1786; that of South Carolina on the 8th day of August, 1787, while the convention for framing the constitution was in session.

"It is very material to observe, in this connection, that each of these acts cedes, in terms, to the United States, as well the jurisdiction as the soil.

"It is also equally important to note that, when the constitution was framed and adopted,

this plan of vesting in the United States, for the common good, the great tracts of ungranted lands claimed by the several states, in which so deep an interest was felt, was yet incomplete. It remained for North Carolina and Georgia to cede their extensive and valuable claims. These were made, by North Carolina on the 25th day of February, 1790, and by Georgia on the 24th day of April, 1802. The terms of these last-mentioned cessions will hereafter be noticed in another connection; but I observe here that each of them distinctly shows, upon its face, that they were not only in execution of the general plan proposed by the Congress of the confederation, but of a formed purpose of each of these states, existing when the assent of their respective people was given to the constitution of the United States.

"It appears, then, that when the federal constitution was framed, and presented to the people of the several states for their consideration, the unsettled territory was viewed as justly applicable to the common benefit, so far as it then had or might attain thereafter a pecuniary value; and so far as it might become the seat of new states, to be admitted into the Union upon an equal footing with the original states; and also that the relations of the United States to that unsettled territory were of different kinds. The titles of the states of New York, Virginia, Massachusetts, Connecticut, and South Carolina, as well of soil as of jurisdiction, had been transferred to the United States. North Carolina and Georgia had not actually made transfers, but a confident expectation, founded on their appreciation of the justice of the general claim, and fully justified by the results, was entertained, that these cessions would be made. The ordinance of 1787 had made provision for the temporary government of so much of the territory actually ceded as lay north-west of the River Ohio.

"But it must have been apparent, both to the framers of the constitution and the people of

the several states who were to act upon it, that the government thus provided for could not continue, unless the constitution should confer on the United States the necessary powers to continue it. That temporary government, under the ordinance, was to consist of certain officers, to be appointed by and responsible to the Congress of the confederation; their powers had been conferred and defined by the ordinance. So far as it provided for the temporary government of the territory, it was an ordinary act of legislation, deriving its force from the legislative power of Congress, and depending for its vitality upon the continuance of that legislative power. But the officers to be appointed for the north-western territory, after the adoption of the constitution, must necessarily be officers of the United States, and not of the Congress of the confederation; appointed and commissioned by the president, and exercising powers derived from the United States under the constitution.

"Such was the relation between the United States and the north-western territory, which all reflecting men must have foreseen would exist, when the government created by the constitution should supersede that of the confederation; that if the new government should be without power to govern this territory, it could not appoint and commission officers, and send them into the territory, to exercise there legislative, judicial, and executive power; and that this territory, which was even then foreseen to be so important, both politically and financially, to all the existing states, must be left not only without the control of the general government, in respect to its future political relations to the rest of the states, but absolutely without any government, save what its inhabitants, acting in their primary capacity, might from time to time create for themselves.

"But this north-western territory was not the only territory, the soil and jurisdiction

whereof were then understood to have been ceded to the United States. The cession by South Carolina, made in August, 1787, was of 'all the territory included within the River Mississippi, and a line beginning at that part of the said river which is intersected by the southern boundary of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters; then to be continued along the top of said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of the Tugaloo River to the said mountains; and thence to run a due west course to the River Mississippi.' * * *

"There is another consideration applicable to this part of the subject, and entitled, in my judgment, to great weight.

"The Congress of the confederation had assumed the power not only to dispose of the lands ceded, but to institute governments and make laws for their inhabitants. In other words, they had proceeded to act under the cession, which, as we have seen, was as well of the jurisdiction as of the soil. This ordinance was passed on the 13th of July, 1787. The convention for framing the constitution was then in session at Philadelphia. The proof is direct and decisive, that it was known to the convention. It is equally clear that it was admitted and understood not to be within the legitimate powers of the confederation to pass this ordinance. (Jefferson's Works, vol. ix pp. 251, 276; Federalist, Nos. 38, 43.)

"The importance of conferring on the new government regular powers commensurate with the objects to be attained, and thus avoiding the alternative of a failure to execute the trust assumed by the acceptance of the cessions made and expected, or its execution by usurpation, could scarcely fail to be perceived. That it was in fact perceived, is clearly shown by the Federalist, (No. 38,) where this very argument

is made use of in commendation of the constitution.

"Keeping these facts in view, it may confidently be asserted that there is very strong reason to believe, before we examine the constitution itself, that the necessity for a competent grant of power to hold, dispose of, and govern territory, ceded and expected to be ceded, could not have escaped the attention of those who framed or adopted the constitution; and that if it did not escape their attention, it could not fail to be adequately provided for.

"Any other conclusion would involve the assumption that a subject of the gravest national concern, respecting which the small states felt so much jealousy that it had been almost an insurmountable obstacle to the formation of the confederation, and as to which all the states had deep pecuniary and political interests, and which had been so recently and constantly agitated, was nevertheless overlooked; or that such a subject was not overlooked, but designedly left unprovided for, though it was manifestly a subject of common concern, which belonged to the care of the general government, and adequate provision for which could not fail to be deemed necessary and proper.

"The admission of new states, to be framed out of the ceded territory, early attracted the attention of the convention. Among the resolutions introduced by Mr. Randolph, on the 29th of May, was one on this subject, (Res. No. 10, 5 Elliot, 128,) which, having been affirmed in committee of the whole, on the 5th of June, (5 Elliot, 156,) and reported to the convention on the 13th of June, (5 Elliot, 190,) was referred to the committee of detail, to prepare the constitution, on the 26th of July, (5 Elliot, 376.) This committee reported an article for the admission of new states 'lawfully constituted or established.' Nothing was said concerning the power of Congress to prepare or form such states. This omission struck Mr. Madison, who, on the 18th of August, (5 Elliot,

439,) moved for the insertion of power to dispose of the unappropriated lands of the United States, and to institute temporary governments for new states arising therein.

"On the 29th of August, (5 Elliot, 492,) the report of the committee was taken up, and after debate, which exhibited great diversity of views concerning the proper mode of providing for the subject, arising out of the supposed diversity of interests of the large and small states, and between those which had and those which had not unsettled territory, but no difference of opinion respecting the propriety and necessity of some adequate provision for the subject, Gouverneur Morris moved the clause as it stands in the constitution. This met with general approbation, and was at once adopted. The whole section is as follows:—

"'New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress.

"'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or any particular state.' * * *

"It is said this provision has no application to any territory save that then belonging to the United States. I have already shown that, when the constitution was framed, a confident expectation was entertained, which was speedily realized, that North Carolina and Georgia would cede their claims to that great territory which lay west of those states. No doubt has been suggested that the first clause of this same article, which enabled Congress to admit new states, refers to and includes new states to be

formed out of this territory, expected to be thereafter ceded by North Carolina and Georgia, as well as new states to be formed out of territory north-west of the Ohio, which then had been ceded by Virginia. It must have been seen, therefore, that the same necessity would exist for an authority to dispose of and make all needful regulations respecting this territory, when ceded, as existed for a like authority respecting territory which had been ceded.

"No reason has been suggested why any reluctance should have been felt, by the framers of the constitution, to apply this provision to all the territory which might belong to the United States, or why any distinction should have been made, founded on the accidental circumstance of the dates of the cessions—a circumstance in no way material as respects the necessity for rules and regulations, or the propriety of conferring on the Congress power to make them. And if we look at the course of the debates in the convention on this article, we shall find that the then unceded lands, so far from having been left out of view in adopting this article, constituted, in the minds of members, a subject of even paramount importance.

"Again, in what an extraordinary position would the limitation of this clause to territory then belonging to the United States place the territory which lay within the chartered limits of North Carolina and Georgia! The title to that territory was then claimed by those states, and by the United States; their respective claims are purposely left unsettled by the express words of this clause; and when cessions were made by those states, they were merely of their claims to this territory, the United States neither admitting nor denying the validity of those claims; so that it was impossible then, and has ever since remained impossible, to know whether this territory did or did not then belong to the United States; and, conse-

quently, to know whether it was within or without the authority conferred by this clause, to dispose of and make rules and regulations respecting the territory of the United States. This attributes to the eminent men who acted on this subject a want of ability and forecast, or a want of attention to the known facts upon which they were acting, in which I cannot concur.

"There is not, in my judgment, any thing in the language, the history, or the subject-matter of this article, which restricts its operation to territory owned by the United States when the constitution was adopted.

"But it is also insisted that provisions of the constitution respecting territory belonging to the United States do not apply to territory acquired by treaty from a foreign nation. This objection must rest upon the position that the constitution did not authorize the federal government to acquire foreign territory, and consequently has made no provision for its government when acquired; or, that though the acquisition of foreign territory was contemplated by the constitution, its provisions concerning the admission of new states, and the making of all needful rules and regulations respecting territory belonging to the United States, were not designed to be applicable to territory acquired from foreign nations.

"It is undoubtedly true, that at the date of the treaty of 1803, between the United States and France, for the cession of Louisiana, it was made a question, whether the constitution had conferred on the executive department of the government of the United States power to acquire foreign territory by a treaty.

"There is evidence that very grave doubts were then entertained concerning the existence of this power. But that there was then a settled opinion in the executive and legislative branches of the government, that this power did not exist, cannot be admitted, without at the same time imputing to those who negotiated

and ratified the treaty, and passed the laws necessary to carry it into execution, a deliberate and known violation of their oaths to support the constitution; and whatever doubts may then have existed, the question must now be taken to have been settled. Four distinct acquisitions of foreign territory have been made by as many different treaties, under as many different administrations. Six states, formed on such territory, are now in the Union. Every branch of this government, during a period of more than fifty years, has participated in these transactions. To question their validity now, is vain. As was said by Mr. Chief Justice Marshall, in the *American Insurance Company vs. Canter*, (1 Peters, 542,) 'The constitution confers absolutely on the government of the Union the powers of making war and of making treaties; consequently, that government possesses the power of acquiring territory, either by conquest or treaty.' (See *Cerré vs. Pitot*, 6 Cr. 336.) And I add, it also possesses the power of governing it, when acquired, not by resorting to supposititious powers, nowhere found described in the constitution, but expressly granted in the authority to make all needful rules and regulations respecting the territory of the United States.

"There was to be established by the constitution a frame of government, under which the people of the United States and their posterity were to continue indefinitely. To take one of its provisions, the language of which is broad enough to extend throughout the existence of the government, and embrace all territory belonging to the United States throughout all time, and the purposes and objects of which apply to all territory of the United States, and narrow it down to territory belonging to the United States when the constitution was framed, while at the same time it is admitted that the constitution contemplated and authorized the acquisition, from time to time, of other and foreign territory, seems to me to be an

interpretation as inconsistent with the nature and purposes of the instrument, as it is with its language, and I can have no hesitation in rejecting it.

"I construe this clause, therefore, as if it had read, Congress shall have power to make all needful rules and regulations respecting those tracts of country, out of the limits of the several states, which the United States have acquired, or may hereafter acquire, by cessions, as well of the jurisdiction as of the soil, so far as the soil may be the property of the party making the cession, at the time of making it. * * *

"But it is insisted, that whatever other powers Congress may have respecting the territory of the United States, the subject of negro slavery forms an exception.

"The constitution declares that Congress shall have power to make 'all needful rules and regulations' respecting the territory belonging to the United States.

"The assertion is, though the constitution says *all*, it does not mean all — though it says *all*, without qualification, it means all except such as allow or prohibit slavery. It cannot be doubted that it is incumbent on those who would thus introduce an exception not found in the language of the instrument, to exhibit some solid and satisfactory reason, drawn from the subject-matter or the purposes and objects of the clause, the context, or from other provisions of the constitution, showing that the words employed in this clause are not to be understood according to their clear, plain, and natural signification.

"The subject-matter is the territory of the United States out of the limits of every state, and consequently under the exclusive power of the people of the United States. Their will respecting it, manifested in the constitution, can be subject to no restriction. The purposes and objects of the clause were the enactment of laws concerning the disposal of the public

lands, and the temporary government of the settlers thereon until new states should be formed. It will not be questioned that, when the constitution of the United States was framed and adopted, the allowance and the prohibition of negro slavery were recognized subjects of municipal legislation; every state had in some measure acted thereon; and the only legislative act concerning the territory — the ordinance of 1787, which had then so recently been passed — contained a prohibition of slavery. The purpose and object of the clause being to enable Congress to provide a body of municipal law for the government of the settlers, the allowance or the prohibition of slavery comes within the known and recognized scope of that purpose and object.

“There is nothing in the context which qualifies the grant of power. The regulations must be ‘respecting the territory.’ An enactment that slavery may or may not exist there, is a regulation respecting the territory. Regulations must be needful; but it is necessarily left to the legislative discretion to determine whether a law be needful. No other clause of the constitution has been referred to at the bar, or has been seen by me, which imposes any restriction or makes any exception concerning the power of Congress to allow or prohibit slavery in the territory belonging to the United States.

“A practical construction, nearly contemporaneous with the adoption of the constitution, and continued by repeated instances through a long series of years, may always influence, and in doubtful cases should determine, the judicial mind, on a question of the interpretation of the constitution. (*Stuart vs. Laird*, 1 Cranch, 269; *Martin vs. Hunter*, 1 Wheat. 304; *Cohens vs. Virginia*, 6 Wheat. 264; *Prigg vs. Pennsylvania*, 16 Pet. 621; *Cooley vs. Port Wardens*, 12 How. 315.)

“In this view, I proceed briefly to examine the practical construction placed on the clause

now in question, so far as it respects the inclusion therein of power to permit or prohibit slavery in the territories.

“It has already been stated, that after the government of the United States was organized under the constitution, the temporary government of the territory north-west of the River Ohio could no longer exist, save under the powers conferred on Congress by the constitution. Whatever legislative, judicial, or executive authority should be exercised therein could be derived only from the people of the United States under the constitution. And, accordingly, an act was passed on the 7th day of August, 1789, (1 Stat. at Large, 50,) which recites, ‘Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the River Ohio, *may continue to have full effect*, it is required that certain provisions should be made, so as to adapt the same to the present constitution of the United States.’ It then provides for the appointment by the president of all officers, who, by force of the ordinance, were to have been appointed by the Congress of the confederation, and their commission in the manner required by the constitution; and empowers the secretary of the territory to exercise the powers of the governor in case of the death or necessary absence of the latter.

“Here is an explicit declaration of the will of the first Congress, of which fourteen members, including Mr. Madison, had been members of the convention which framed the constitution, that the ordinance, one article of which prohibited slavery, ‘should continue to have full effect.’ General Washington, who signed this bill, as president, was the president of that convention.

“It does not appear to me to be important, in this connection, that that clause in the ordinance which prohibited slavery was one of a series of articles of what is therein termed a compact. The Congress of the confederation

had no power to make such a compact, nor to act at all on the subject; and after what had been so recently said by Mr. Madison on this subject, in the thirty-eighth number of the *Federalist*, I cannot suppose that he, or any others who voted for this bill, attributed any intrinsic effect to what was denominated in the ordinance a compact between 'the original states and the people and states in the new territory;' there being no new states then in existence in the territory, with whom a compact could be made, and the few scattered inhabitants, unorganized into a political body, not being capable of becoming a party to a treaty, even if the Congress of the confederation had had power to make one touching the government of that territory.

"I consider the passage of this law to have been an assertion by the first Congress of the power of the United States to prohibit slavery within this part of the territory of the United States; for it clearly shows that slavery was thereafter to be prohibited there, and it could be prohibited only by an exertion of the power of the United States, under the constitution; no other power being capable of operating within that territory after the constitution took effect.

"On the 2d of April, 1790, (1 Stat. at Large, 106,) the first Congress passed an act accepting a deed of cession by North Carolina of that territory afterwards erected into the state of Tennessee. The fourth express condition contained in this deed of cession, after providing that the inhabitants of the territory shall be temporarily governed in the same manner as those beyond the Ohio, is followed by these words: '*Provided, always, that no regulations made or to be made by Congress shall tend to emancipate slaves.*'

"This provision shows that it was then understood Congress might make a regulation prohibiting slavery, and that Congress might also allow it to continue to exist in the terri-

tory; and accordingly, when, a few days later, Congress passed the act of May 20th, 1790, (1 Stat. at Large, 123,) for the government of the territory south of the River Ohio, it provided, 'and the government of the territory south of the Ohio shall be similar to that now exercised in the territory north-west of the Ohio, except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the state of North Carolina to a certain district of western territory."' Under the government thus established, slavery existed until the territory became the state of Tennessee.

"On the 7th of April, 1798, (1 Stat. at Large, 649,) an act was passed to establish a government in the Mississippi territory in all respects like that exercised in the territory north-west of the Ohio, 'excepting and excluding the last article of the ordinance made for the government thereof by the late Congress, on the 13th day of July, 1787.' When the limits of this territory had been amicably settled with Georgia, and the latter ceded all its claim thereto, it was one stipulation in the compact of cession, that the ordinance of July 13th, 1787, 'shall in all its parts extend to the territory contained in the present act of cession, that article only excepted which forbids slavery.' The government of this territory was subsequently established and organized under the act of May 10th, 1800; but so much of the ordinance as prohibited slavery was not put in operation there.

"Without going minutely into the details of each case, I will now give reference to two classes of acts, in one of which Congress has extended the ordinance of 1787, including the article prohibiting slavery, over different territories, and thus exerted its power to prohibit it; in the other, Congress has erected governments over territories acquired from France and Spain, in which slavery already existed,

THE GREAT CANYON OF THE COLORADO





THE BRIDGE AT LONDON, ENGLAND, 1840.

but refused to apply to them that part of the government under the ordinance which excluded slavery.

"Of the first class are the act of May 7th, 1800, (2 Stat. at Large, 58,) for the government of the Indiana territory; the act of January 11th, 1805, (2 Stat. at Large, 309,) for the government of Michigan territory; the act of May 3d, 1809, (2 Stat. at Large, 514,) for the government of the Illinois territory; the act of April 20th, 1836, (5 Stat. at Large, 10,) for the government of the territory of Wisconsin; the act of June 12th, 1838, for the government of the territory of Iowa; the act of August 14th, 1848, for the government of the territory of Oregon. To these instances should be added the act of March 6th, 1820, (3 Stat. at Large, 548,) prohibiting slavery in the territory acquired from France, being north-west of Missouri, and north of thirty-six degrees thirty minutes north latitude.

"Of the second class, in which Congress refused to interfere with slavery already existing under the municipal law of France or Spain, and established governments by which slavery was recognized and allowed, are the act of March 26th, 1804, (2 Stat. at Large, 283,) for the government of Louisiana; the act of March 2d, 1805, (2 Stat. at Large, 322,) for the government of the territory of Orleans; the act of June 4th, 1812, (2 Stat. at Large, 743,) for the government of the Missouri territory; the act of March 30th, 1822, (3 Stat. at Large, 654,) for the government of the territory of Florida. Here are eight distinct instances, beginning with the first Congress, and coming down to the year 1848, in which Congress has excluded slavery from the territory of the United States; and six distinct instances in which Congress organized governments of territories by which slavery was recognized and continued, beginning also with the first Congress, and coming down to the year 1822. These acts were severally signed by seven

presidents of the United States, beginning with General Washington, and coming regularly down as far as Mr. John Quincy Adams, thus including all who were in public life when the constitution was adopted.

"If the practical construction of the constitution contemporaneously with its going into effect, by men intimately acquainted with its history from their personal participation in framing and adopting it, and continued by them through a long series of acts of the gravest importance, be entitled to weight in the judicial mind on a question of construction, it would seem to be difficult to resist the force of the acts above adverted to. * * *

"Is it conceivable that the constitution has conferred the right on every citizen to become a resident on the territory of the United States with his slaves, and there to hold them as such, but has neither made nor provided for any municipal regulations which are essential to the existence of slavery?

"Is it not more rational to conclude that they who framed and adopted the constitution were aware that persons held to service under the laws of a state are property only to the extent and under the conditions fixed by those laws; that they must cease to be available as property, when their owners voluntarily place them permanently within another jurisdiction, where no municipal laws on the subject of slavery exist; and that, being aware of these principles, and having said nothing to interfere with or displace them, or to compel Congress to legislate in any particular manner on the subject, and having empowered Congress to make all needful rules and regulations respecting the territory of the United States, it was their intention to leave to the discretion of Congress what regulations, if any, should be made concerning slavery therein? Moreover, if the right exists, what are its limits, and what are its conditions? If citizens of the United States have the right to take their slaves to a territory,

and hold them there as slaves, without regard to the laws of the territory, I suppose this right is not to be restricted to the citizens of slaveholding states. A citizen of a state which does not tolerate slavery can hardly be denied the power of doing the same thing. And what law of slavery does either take with him to the territory? If it be said to be those laws respecting slavery which existed in the particular state from which each slave last came, what an anomaly is this! Where else can we find, under the law of any civilized country, the power to introduce and permanently continue diverse systems of foreign municipal law, for holding persons in slavery? I say, not merely to introduce, but permanently to continue, these anomalies. For the offspring of the female must be governed by the foreign municipal laws to which the mother was subject; and when any slave is sold, or passes by succession on the death of the owner, there must pass with him, by a species of subrogation, and as a kind of unknown *jus in re*, the foreign municipal laws which constituted, regulated, and preserved, the *status* of the slave before his exportation. Whatever theoretical importance may be now supposed to belong to the maintenance of such a right, I feel a perfect conviction that it would, if ever tried, prove to be as impracticable in fact, as it is, in my judgment, monstrous in theory.

"I consider the assumption which lies at the basis of this theory to be unsound; not in its just sense, and when properly understood, but in the sense which has been attached to it. That assumption is, that the territory ceded by France was acquired for the equal benefit of all the citizens of the United States. I agree to the position. But it was acquired for their benefit in their collective, not their individual, capacities. It was acquired for their benefit as an organized political society, subsisting as 'the people of the United States,' under the constitution of the United States; to be ad-

ministered justly and impartially, and as nearly as possible for the equal benefit of every individual citizen, according to the best judgment and discretion of the Congress; to whose power, as the legislature of the nation which acquired it, the people of the United States have committed its administration. Whatever individual claims may be founded on local circumstances, or sectional differences of condition, cannot, in my opinion, be recognized in this court, without arrogating to the judicial branch of the government powers not committed to it; and which, with all the unaffected respect I feel for it, when acting in its proper sphere, I do not think it fitted to wield.

"Nor, in my judgment, will the position, that a prohibition to bring slaves into a territory deprives any one of his property without due process of law, bear examination.

"It must be remembered that this restriction on the legislative power is not peculiar to the constitution of the United States; it was borrowed from *Magna Charta*; was brought to America by our ancestors, as part of their inherited liberties, and has existed in all the states, usually in the very words of the Great Charter. It existed in every political community in America in 1787, when the ordinance prohibiting slavery north and west of the Ohio was passed.

"And if a prohibition of slavery in a territory in 1820 violated this principle of *Magna Charta*, the ordinance of 1787 also violated it; and what power had, I do not say the Congress of the confederation alone, but the legislature of Virginia, or the legislature of any or all the states of the confederacy, to consent to such a violation? The people of the states had conferred no such power. I think I may at least say, if the Congress did then violate *Magna Charta* by the ordinance, no one discovered that violation. Besides, if the prohibition upon all persons, citizens as well as others, to bring slaves into a territory, and a declaration that

if brought they shall be free, deprive citizens of their property without due process of law, what shall we say of the legislation of many of the slaveholding states which have enacted the same prohibition? As early as October, 1778, a law was passed in Virginia, that thereafter no slave should be imported into that commonwealth by sea or by land, and that every slave who should be imported should become free. A citizen of Virginia purchased in Maryland a slave who belonged to another citizen of Virginia, and removed with the slave to Virginia. The slave sued for her freedom and recovered it; as may be seen in *Wilson vs. Isabel*, (5 Call's R. 425.) See also *Hunter vs. Hulsher*, (1 Leigh, 172;) and a similar law has been recognized as valid in Maryland, in *Stewart vs. Oaks*, (5 Har. and John. 107.) I am not aware that such laws, though they exist in many states, were ever supposed to be in conflict with the principle of *Magna Charta* incorporated into the state constitutions. It was certainly understood by the convention which framed the constitution, and has been so understood ever since, that, under the power to regulate commerce, Congress could prohibit the importation of slaves; and the exercise of the power was restrained till 1808. A citizen of the United States owns slaves in Cuba, and brings them to the United States, where they are set free by the legislation of Congress. Does this legislation deprive him of his property without due process of law? If so, what becomes of the laws prohibiting the slave trade? If not, how can a similar regulation respecting a territory violate the fifth amendment of the constitution. * * *

"But it is further insisted that the treaty of 1803, between the United States and France, by which this territory was acquired, has so restrained the constitutional powers of Congress, that it cannot, by law, prohibit the introduction of slavery into that part of this territory north and west of Missouri, and north

of thirty-six degrees thirty minutes north latitude.

"By a treaty with a foreign nation, the United States may rightfully stipulate that the Congress will or will not exercise its legislative power in some particular manner, on some particular subject. Such promises, when made, should be voluntarily kept, with the most scrupulous good faith. But that a treaty with a foreign nation can deprive the Congress of any part of the legislative power conferred by the people, so that it no longer can legislate as it was empowered by the constitution to do, I more than doubt.

"The powers of the government do and must remain unimpaired. The responsibility of the government to a foreign nation, for the exercise of those powers, is quite another matter. That responsibility is to be met, and justified to the foreign nation, according to the requirements of the rules of public law; but never upon the assumption that the United States had parted with or restricted any power of acting according to its own free will, governed solely by its own appreciation of its duty.

"The second section of the fourth article is, 'This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land.' This has made treaties part of our municipal law; but it has not assigned to them any particular degree of authority, nor declared that laws so enacted shall be irrepealable. No supremacy is assigned to treaties over acts of Congress. That they are not perpetual, and must be in some way repealable, all will agree.

"If the president and the senate alone possess the power to repeal or modify a law found in a treaty, inasmuch as they can change or abrogate one treaty only by making another inconsistent with the first, the government of

the United States could not act at all, to that effect, without the consent of some foreign government. I do not consider, I am not aware it has ever been considered, that the constitution has placed our country in this helpless condition. The action of Congress in repealing the treaties with France by the act of July 7th, 1798, (1 Stat. at Large, 578,) was in conformity with these views. In the case of *Taylor et al. vs. Morton*, (2 Curtis's Cir. Ct. R. 454,) I had occasion to consider this subject, and I adhere to the views there expressed.

"If, therefore, it were admitted that the treaty between the United States and France did contain an express stipulation that the United States would not exclude slavery from so much of the ceded territory as is now in question, this court could not declare that an act of Congress excluding it was void by force of the treaty. Whether or no a case existed sufficient to justify a refusal to execute such a stipulation, would not be a judicial, but a political and legislative question, wholly beyond the authority of this court to try and determine. It would belong to diplomacy and legislation, and not to the administration of existing laws. Such a stipulation in a treaty, to legislate or not to legislate in a particular way, has been repeatedly held in this court to address itself to the political or the legislative power, by whose action thereon this court is bound. (*Foster vs. Nicholson*, 2 Peters, 314; *Garcia vs. Lee*, 12 Peters, 519.)

"But, in my judgment, this treaty contains no stipulation in any manner affecting the action of the United States respecting the territory in question. Before examining the language of the treaty, it is material to bear in mind that the part of the ceded territory lying north of thirty-six degrees thirty minutes, and west and north of the present state of Missouri, was then a wilderness, uninhabited save by savages, whose possessory title had not then been extinguished.

"It is impossible for me to conceive on what ground France could have advanced a claim, or could have desired to advance a claim, to restrain the United States from making any rules and regulations respecting this territory which the United States might think fit to make; and still less can I conceive of any reason which would have induced the United States to yield to such a claim. It was to be expected that France would desire to make the change of sovereignty and jurisdiction as little burdensome as possible to the then inhabitants of Louisiana, and might well exhibit even an anxious solicitude to protect their property and persons, and to secure to them and their posterity their religious and political rights; and the United States, as a just government, might readily accede to all proper stipulations respecting those who were about to have their allegiance transferred. But what interest France could have in uninhabited territory, which, in the language of the treaty, was to be transferred 'forever, and in full sovereignty,' to the United States, or how the United States could consent to allow a foreign nation to interfere in its purely internal affairs, in which that foreign nation had no concern whatever, is difficult for me to conjecture. In my judgment, this treaty contains nothing of the kind.

"The third article is supposed to have a bearing on the question. It is as follows: 'The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the enjoyment of their liberty, property, and the religion they profess.'

"There are two views of this article, each of which, I think, decisively shows that it was not intended to restrain the Congress from

excluding slavery from that part of the ceded territory then uninhabited. The first is, that, manifestly, its sole object was to protect individual rights of the then inhabitants of the territory. They are to be 'maintained and protected in the free enjoyment of their liberty, property, and the religion they profess.' But this article does not secure to them the right to go upon the public domain ceded by the treaty, either with or without their slaves. The right or power of doing this did not exist before or at the time the treaty was made. The French and Spanish governments while they held the country, as well as the United States when they acquired it, always exercised the undoubted right of excluding inhabitants from the Indian country, and of determining when and on what conditions it should be opened to settlers. And a stipulation, that the then inhabitants of Louisiana should be protected in their property, can have no reference to their use of that property, where they had no right, under the treaty, to go with it, save at the will of the United States. * * *

"For these reasons, I am of opinion that so much of the several acts of Congress as prohibited slavery and involuntary servitude within that part of the territory of Wisconsin lying north of thirty-six degrees thirty minutes north latitude, and west of the River Mississippi, were constitutional and valid laws.

"I have expressed my opinion, and the reasons therefor, at far greater length than I could have wished, upon the different questions on which I have found it necessary to pass, to arrive at a judgment on the case at bar. These questions are numerous, and the grave importance of some of them required me to exhibit fully the grounds of my opinion. I have touched no question which, in the view I have taken, it was not absolutely necessary for me to pass upon, to ascertain whether the judgment of the Circuit Court should stand or be reversed. I have avoided no question on which the validity

of that judgment depends. To have done either more or less, would have been inconsistent with my views of my duty.

"In my opinion, the judgment of the Circuit Court should be reversed, and the cause remanded for a new trial."

Among many reviews and strictures upon the Dred Scott decision, the "Examination of the Dred Scott Case," by the veteran statesman Thomas H. Benton, of Missouri, is worthy of note, because of Mr. Benton being a citizen of a slaveholding state, and long one of the leading members of the Democratic party, which, in all the recent contests, had adhered to the policy of the south,—but especially because he stood almost the sole connecting link between the last generation of great statesmen and the present. In that review, all the questions then at issue in relation to slavery were discussed with the ability and earnestness which distinguished Colonel Benton. Of the opinion of the court against the constitutionality of the Missouri Compromise Act, Colonel Benton writes thus:—

"The Missouri compromise was a 'political enactment,' made by the political power, for reasons founded in national policy, enlarged and liberal, of which it was the proper judge; and which was not to be reversed afterwards by judicial interpretation of words and phrases.

"Doubtless the court was actuated by the most laudable motives in undertaking, while settling an individual controversy, to pass from the private rights of an individual to the public rights of the whole body of the people, and in endeavoring to settle, by a judicial decision, a political question which engrosses and distracts the country; but the undertaking was beyond its competency, both legally and potentially. It had no right to decide; no means to enforce the decision; no machinery to carry it into effect; no penalties of fines or jails to enforce it; and the event has corre-

sponded with these inabilities. Far from settling the question, the opinion itself has become a new question, more virulent than the former; has become the very watchword of parties; has gone into party creeds and platforms, bringing the court itself into the political field, and condemning all future appointments of federal judges, and the elections of those who make the appointments, and of those who can multiply judges by creating new districts and circuits, to the test of these decisions. * * *

"Those who suppose that there was no object in view in this abrogation of the Missouri compromise, but merely to make Kansas a slave state, are far behind the state of the facts, and can have had but little opportunity of knowing the intentions of the prime movers of that measure — those who ruled the council that commanded it. Certainly that was one of the objects; but there were others far beyond it, far transcending it in importance, and of which the establishment of Kansas as a slave state was only an introduction and a means of attainment. To form the slave states into a unit, for federal elections and legislation, by the revival of the slavery question, was one object, counting upon the federal patronage to gain as much help from the free states as would give the slave states the majority. Vast acquisitions of free territory to the southward, to be made slave, (besides Cuba,) was another object; and for this purpose, the principles of the Kansas-Nebraska bill were doubly contrived; first, to carry slavery into these free territories by the constitution; next, to establish it by the inhabitants of the states, enough southern people going in to dominate over the feeble and ignorant natives. Separation of the slave states, or domination over the free states, driving out of the Union the north Atlantic states, was to be the consequence of this consolidation of the slave states, and vast acquisition of slave territory. * * *

"The citizens of all the states, free and slave, are precisely equal in their capacity to carry their property with them into territories. Each may carry whatever is property by the laws of nature; neither can carry that which is only property by statute law; and the reason is, because he cannot carry with him the law which makes it property. Either may carry the thing which is the subject of this local property, but neither can carry the law which makes it so. The Virginian may carry his man slave; but he cannot carry the Virginian law which makes him a slave. The citizen of Massachusetts may carry the pile of money which, under a state law, constitutes a bank; but he cannot carry the law or charter which makes it a bank; and his treasure is only a pile of money; and besides being impossible, it would be absurd, and confusion confounded, to be otherwise. For, if the citizen of one state might carry his slave state law with him into a territory, the citizens of every other slave state might do the same; and then what Babylonish confusion, not merely of tongues, but of laws, would be found there! Fifteen different codes, as the slave states now number, and more to come. For every slave state has a servile code of its own, differing from others in some respects — and in some radically; as much so as land, in the eye of the law, differs from cattle. * * *

"Mr. Calhoun (1848) declared, 'I deny that the laws of Mexico can have the effect attributed to them, (that of keeping slavery out of New Mexico and California.) As soon as the treaty between the two countries is ratified, the sovereignty and authority of Mexico in the territory acquired by it becomes extinct, and that of the United States is substituted in its place, conveying the constitution, with its overriding control over all the laws and institutions of Mexico inconsistent with it.' This is the declared effect of the transmigration of the constitution to free territory by the author

of the doctrine; and great is the extent of country, either acquired or to be acquired, in which the doctrine is to have application. All New Mexico and California, at the time it was broached,—all the territories now held, wherever situated, and as much as can be added to them,—these additions have already been considerable, and vast and varied accessions are still expected. Arizona has been acquired; fifty millions were offered to Mexico for her northern half, to include Monterey and Saltillo; a vast sum is now offered for Sonora and Sinaloa, down to Guyamas; Tehuantepec, Nicaragua, Panama, Darien, the Spanish part of San Domingo, Cuba, with islands on both sides of the tropical continent. Nor do we stop at the two Americas, their coasts and islands, extensive as they are; but circumvolving the terraqueous globe, we look wistfully at the Sandwich Islands, and on some gem in the Polynesian group, and, plunging to the antipodes, pounce down upon Formosa, in the Chinese Sea. Such were the schemes of the last administration, and must continue, if its policy should continue. Over all these provinces, isthmuses, islands, and ports, now free, our constitution must spread, (if we acquire them, and the decision of the Supreme Court stands,) overriding and overruling anti-slavery law in their respective limits, and planting African slavery in its place, beyond the power of Congress or the people there to prevent it.”

From Mr. Benton's able and interesting discussion of the various questions raised in this opinion of the Supreme Court further extracts might be made, to show the reasons and the purposes which were underlying that opinion. From his long experience, keen observation, and knowledge of human nature, and from his position in the political world, as well as his geographical position, a representative of a border slave state, none better than Mr. Benton could know the schemes and objects for the accomplishment of which the opinion of the

court was but one means. More recent events show that he was not wrong in his judgment, though he perhaps failed to see to what that malign power would resort, when its political schemes should fail, and the government should pass beyond its absolute control. In an appendix to the “Examination,” Mr. Benton reviews that portion of President Pierce's last annual message, which is given in previous pages. In concluding he thus sums up the progress and purposes of the political slave power as developed at that time:—

“Up to Mr. Pierce's administration the plan had been defensive—that is to say, to make the secession of the south a measure of self-defence against the abolition encroachments, aggressions, and crusades of the north: in the time of Mr. Pierce, the plan became offensive—that is to say, to commence the expansion of slavery, and the acquisition of territory to spread it over, so as to overpower the north with new slave states, and drive them out of the Union. In this change of tactics originated the abrogation of the Missouri compromise; the attempt to purchase one half of Mexico, and the actual purchase of a large part; the design to take Cuba; the encouragement to Kinney and to Walker in Central America; the quarrels with Great Britain, for outlandish coasts and islands; the designs upon the Tehuantepec, the Nicaragua, the Panama, and the Darien routes; and the scheme to get a foothold in the Island of San Domingo. The rising in the free states in consequence of the abrogation of the Missouri compromise checked these schemes, and limited the success of the disunionists to the revival of the agitation which enables them to wield the south against the north in all the federal elections and federal legislation. Accidents and events have given this party a strange preëminence. Under Jackson's administration, proclaimed for treason; since, at the head of the government, and of the Democratic party. The death of Har-

rison, and the accession of Tyler, was their first great lift; the election of Mr. Pierce was their culminating point. It not only gave them the government, but power to pass themselves for the Union party and for Democrats, and to stigmatize all who refuse to go with them as disunionists and abolitionists. And to keep up this classification is the object of the eleven pages of the message which calls for this review—unhappily, assisted in that object by the conduct of a few real abolitionists, (not five per centum of the population of the free states,) but made to stand in the eyes of the south for the whole.”

The rapid development of the disunion schemes under the next administration, when it was found that neither by force nor fraud could Kansas be secured as a slave state, and the power of the government was likely to

pass into the hands of the more populous and numerous free states, Mr. Benton did not live to see.* But the results show that he did not err much in his judgment of the political leaders of the south.

* Mr. Benton died at Washington, April 10, 1858, aged seventy-six years. He was born at Hillsborough, North Carolina, and at an early age emigrated to Tennessee, where he studied law, and was elected to the state legislature. In 1814 he removed to Missouri, where he soon acquired some distinction, and when that territory was admitted to the Union as a state, in 1820, he was elected United States senator. He remained in the senate until 1851—a period of thirty years. He afterwards served one term in the house of representatives, and then retired from public life. He was a man of the greatest industry and perseverance, and long held a high rank among the members of the Democratic party, but in the latter part of his life he did not wholly agree with the policy of the party. He has left a valuable legacy to his countrymen in his works, “Thirty Years in the Senate,” and the “Abridgment of the Debates in Congress.” He had just completed the latter work when he died.

BIOGRAPHIES OF THE SIGNERS

OF THE

DECLARATION OF INDEPENDENCE.

P R E F A C E .

THE memory of the illustrious men, to whose patriotism and firmness the American people owe their national independence, should ever be cherished with respect and admiration. A knowledge of their personal histories may serve to keep alive the gratitude which is due to them, and to preserve a just appreciation of their action in founding a new Republic. The following Biographical Sketches are compiled from authentic sources, and aim only at a simple narrative of the public services of these patriots and statesmen. They show of what manner of men the Continental Congress was composed, and how many of them were prominent citizens of their respective colonies, whose services in the cause of their country were not confined to the memorable act of signing the Declaration. As unassuming sketches of eventful lives, they are submitted to the kind consideration of the reader.

EDITOR.

SIGNERS
OF
THE DECLARATION OF INDEPENDENCE.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

MASSACHUSETTS.

JOHN HANCOCK,
JOHN ADAMS,
SAMUEL ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND.

STEPHEN HOPKINS,
WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

NEW YORK.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

DELAWARE.

CÆSAR RODNEY,
GEORGE READ,
THOMAS MCKEAN.

MARYLAND.

SAMUEL CHASE,
THOMAS STONE,
WILLIAM PACA,
CHARLES CARROLL,

of Carrollton.

VIRGINIA.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

NORTH CAROLINA.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE,
THOMAS HAYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

BIOGRAPHIES OF THE SIGNERS

OF THE

DECLARATION OF INDEPENDENCE.

JOSIAH BARTLETT.

NEW HAMPSHIRE.

JOSIAH BARTLETT was born in Amesbury, Massachusetts, in November, 1729. He was unable to enjoy the advantages to be derived from a collegiate education, but improved every opportunity, and was able to obtain some knowledge of Greek and Latin. He chose the medical profession as a means of subsistence, and began the study of medicine at the age of sixteen. He possessed an active, energetic mind, which made up in part for the want of books, from which he had few opportunities of acquiring knowledge, and he was able to pass an examination with honor.

He commenced practising as a physician at Kingston, in 1750, where he soon established a reputation by his treatment with Peruvian bark in 1754, and amassed a competency. Bartlett received several appointments from the royal governor, John Wentworth, by whom he was highly esteemed; among them was the appointment to the command of a regiment of militia. In 1765 he was elected a member of the Provincial Legislature of New Hampshire. When the Stamp Act was before the British Parliament, he became a leader of the opposing party; but his patriotism was inflexible, though he was offered extravagant bribes by Wentworth. In 1776 he was appointed a member

of the Committee of Safety for his state, which was dissolved by the governor, and reassembled under the lead of Bartlett. He was soon after chosen a member of the Continental Congress, and in 1775 was deprived of his appointments by the governor; but on assumption of government by the Provincial Congress, in the absence of Wentworth, he was reappointed. He was reelected a delegate to the Continental Congress both in 1775 and 1776, and was one of the committee to form a plan for the confederation of the states. He was a warm supporter of the Declaration of Independence, and was the first of the members of Congress to append his signature. He accompanied Stark to Bennington in 1777. In 1779 he was appointed chief justice of the Court of Common Pleas, in 1784 justice of the Supreme Court, and chief justice in 1788.

Dr. Bartlett took an active part in the Convention called to adopt the Constitution in 1788, and was elected a member of the first Senate convened under it in the city of New York; but he declined the honor, and did not take his seat. He was chosen president of the state in 1790, which office he continued to hold till 1793, when he was elected the first governor of the state under the Constitution. Through his exertions a medical society was formed of which he was chosen president. In all his various offices of trust and honor he faithfully

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

performed his duties. He held the office of governor for one year, when he retired to private life, which he was not permitted to enjoy long, as he died on the 19th of May, 1795, in the sixty-sixth year of his age.

WILLIAM WHIPPLE.

NEW HAMPSHIRE.

WILLIAM WHIPPLE was born in 1730, at Kittery. This town at the time of his birth was in New Hampshire, but has since formed a part of Maine.

His early advantages were only such as the common school of the town could afford, which he quitted, when yet a mere lad, to follow the sea. After having engaged in this pursuit for several years, by which he accumulated a considerable sum of money, he commenced business with one of his brothers at Portsmouth.

In January, 1775, he was elected as representative to the Provincial Congress of New Hampshire, appointed for the purpose of choosing delegates to the Continental Congress, of which latter Convention he was made a member the next year.

He continued in Congress until September, 1777, when, having been commissioned a brigadier-general, he joined Gates's army to repel Burgoyne. He took part in the battle of Saratoga, and was among those who arranged the terms of capitulation, and conducted the prisoners to Cambridge and Charlestown. In 1778 he joined Sullivan in his expedition against the British in Rhode Island, which failed through the neglect of Count d'Estaing to sustain Sullivan in his attack on Newport.

In 1782 he was appointed the superintendent of finance for his state—an office requiring great faithfulness and integrity in its incum-

bent. During the same year he was also appointed to settle the dispute between Pennsylvania and Connecticut concerning the ownership of the Wyoming valley.

In 1783 he was constituted a judge of the Superior Court, which office he retained until November, 1785, when a violent attack of palpitation of the heart, from which he never recovered, caused him to relinquish it. He died on the 28th of that month, aged fifty-five.

MATTHEW THORNTON.

NEW HAMPSHIRE.

MATTHEW THORNTON was born in Ireland, in 1714, and was brought to this country, when quite young, by his father, who first settled at Wiscasset, in Maine, but subsequently moved to Worcester, Massachusetts, where he educated his son for one of the learned professions. Matthew chose that of medicine, and upon the completion of his studies settled in Londonderry, New Hampshire, where he soon became eminent as a physician.

He was appointed surgeon, in 1745, to the troops of his state, and accompanied them in the expedition against Louisburg, and on his return was appointed a colonel of militia, and also justice of peace.

He was chosen speaker of the House when the Provisional Congress was organized, and in September of the same year, 1776, was appointed delegate to the Continental Congress. Not being present when the vote on the adoption of the Declaration of Independence was taken, the indulgence was granted him, as well as several others who approved the measure, of subsequently signing their names to it.

Previous to his election to the Congress, he received the appointment of judge of the Superior Court, which position he resigned in

JOHN HANCOCK.

1782. He died in Newburyport, on the twenty-fourth of June, 1803, while on a visit to his daughters.

JOHN HANCOCK.

MASSACHUSETTS.

THE illustrious patriot JOHN HANCOCK, who enjoyed in his time one of the highest places in the consideration of the American community, was born in Quincy, January 12, 1737. Both father and grandfather of Hancock were clergymen, and men of very considerable reputation. His father dying during his infancy, he was left to the care of a paternal uncle, who, being wealthy, and kindly disposed towards him, sent him to Harvard University, and spared neither expense nor exertion to secure his comfort and promotion. He graduated at Harvard in the year 1754, at the early age of seventeen, and during the six years subsequent was engaged most of his time as a clerk in the counting house of his uncle, who was then at the height of commercial prosperity.

In 1760 Hancock visited the mother country, and during that period was present at the funeral of George II., and the coronation of his successor, the principles and policy of whose administration caused the conflict which subsequently occurred. After his return to his own country in 1764, by the decease of his uncle, he was placed, at the age of twenty-seven, in possession of a munificent fortune, reputed to have been the largest property held by any individual in the province, and probably but little inferior to any other American estate.

Shortly after Mr. Hancock's return from England, he was elected one of the selectmen of Boston; an office he continued to hold for several years. In 1766 he was chosen, with James Otis, Samuel Adams, and Thomas Cushing, a

representative to the General Court of the province. In this assembly, although only thirty years of age, he was placed immediately among the foremost of the leading and working men, being nominated to most of the important committees of that body, and upon more than one occasion of great and general interest, appointed to the chairmanship over associates of high reputation. He is said to have been somewhat indebted for his early advancement to the kindly offices of Samuel Adams, a gentleman with whom he afterwards differed in political sentiment on several occasions, but it is believed not to the disparagement of the mutual respect of the parties.

In the impositions attempted by the British government, in regard to the importation of foreign merchandise into this country, Mr. Hancock took an early and strong interest, and was one of the most active in establishing those memorable associations of the citizens for the prevention of the introduction and circulation of English goods, which so materially aided, not only in warding off some of the encroachments of tyranny, but in awakening the attention of the American people to a discussion and decision on the whole subject of monarchical and ministerial abuse. In the course of this controversy, his name was brought particularly before the public, on account of the seizure of one of his vessels by the custom-house officers, under the pretext of its being taken in contravention of the revenue laws. It was removed by the officers under the protection of the guns of a British vessel then in the harbor. The citizens, however, became exasperated at this proceeding, and assembling in great numbers, pursued them, beat them with clubs, and drove them aboard their vessels. The collector's boat was then burned by the mob, amidst loud rejoicing, and the houses of some of the most odious of the supporters of "divine right", razed, in the first transport of popular fury, to

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

the ground. This affair, apparently trifling, has been considered one of the principal of those immediate original causes which hastened the great dispute between the mother country and the provinces to a crisis.

Another incident, of still greater interest, tending to the same effect, was the celebrated massacre of the Boston citizens, by the British troops, on the 5th of March, 1770. Mr. Hancock, with several others, was, the day after this affair, appointed by an assembly of the citizens to wait on the royal governor, and procure the removal of the troops from the town, which they succeeded in doing. In 1774 Hancock was called on to deliver an oration on the anniversary of the massacre, over the remains of the murdered victims of tyranny. This production, which increased the author's already established reputation, is still preserved, and is justly considered, though not remarkable for any thing like a learned or classic taste, a fine specimen of indignant patriotism, expressed in the strong language of a fearless freeman.

About this time, having declined accepting the appointment of councillor by the governor, he was removed by General Gage from the captaincy of the Cadets, or Governor's Guard. The company disbanded, however, and the whole affair added to his popularity with every class of the people. Several years before, he had shown a similar spirit when offered a military commission by Governor Bernard, at that time tearing up the paper in presence of his fellow-citizens.

In October, 1774, Hancock, but thirty-seven years of age, was elected president of the Massachusetts Provincial Convention by a unanimous vote. The following year, the first of the revolution, found him at the height of his political distinction, in the honorable position of president of the Continental Congress. When the Declaration of Independence was

adopted, as president of the Congress he was the first to affix his signature in that bold hand which will always attract the attention of those who behold that immortal instrument. He held the presidency till October, 1777, a period of two years and a half, during which the constant application he gave to business had rendered his health somewhat delicate. On this account he resigned his office, and retired to his native province, accompanied by the most gratifying testimonials of the universal respect of his countrymen.

He was not permitted, however, to remain long in the quiet of private life; for a convention being appointed to frame a Constitution for the State of Massachusetts, he was chosen one of its members, and took an active part in the deliberations of that important occasion. In 1780 he was chosen governor, being the first under the new Constitution. He was reëlected to this office annually until 1785, when he retired in ill health. In 1787 he was again called to the gubernatorial dignity, and continued to fill that station very acceptably, till his death, which occurred October 8, 1793, in the fifty-sixth year of his age.

The reputation gained by John Hancock among his own countrymen at the time the revolution broke out, cannot better be shown than by the importance attached to his patriotism by the enemy, who perhaps had a particular ill will against him, on account of his signature, as president of the Continental Congress, to the Declaration of Independence. The preceding year, however, he was honored by being pointed out, in connection with Samuel Adams, as an exception to the pardon offered by the royal governor of Massachusetts, in the proclamation he issued after the battle of Bunker Hill, declaring the province in a state of rebellion.

No individual probably contributed as much towards the adoption of the Federal Constitu-

JOHN HANCOCK.—SAMUEL ADAMS.

tion by the State of Massachusetts, in 1788, as John Hancock. It was generally thought, when he submitted that instrument to the consideration of the legislature, that, should this state refuse to ratify it, its passage would certainly be lost in the other twelve. A convention assembled in Boston to consider the question of acceptance, comprising all the distinguished talent of the state, and Hancock was chosen president. It is said that, through his influence, exerted with his utmost discretion and energy at this juncture, particularly in pressing sundry amendments which obviated the objectionable features of the proposed Constitution, the scale was turned in favor of its adoption. This event was celebrated in Boston with great rejoicing, and hailed with satisfaction throughout the country.

The funeral ceremonies over the remains of Governor Hancock were observed in a manner which plainly indicated the hold he continued to have on the popular good will till the last. His body lay in state for several days at his residence, and its interment was conducted with great ceremony. The disease from which the governor had suffered most in his latter years was the gout; but his death was occasioned not more by this than by the fatigue caused by his arduous and responsible public duties, which seemed to occupy his whole time and thought. Governor Hancock left no lineal descendant. He had married, about twenty years before his death, Miss Quincy, of Boston, a lady belonging to one of the most distinguished families of New England, and by this connection had one son; but this child died at an early age.

SAMUEL ADAMS.

MASSACHUSETTS.

SAMUEL ADAMS, one of the leading actors in the revolution, was born in Boston, September

27, 1722, of a family long settled there. His grandfather was a grandson of Henry Adams, the same emigrant from England to Massachusetts from whom John Adams, second President of the United States, traced his descent. He was prepared for college, and entered Cambridge in 1736; but owing to the misfortunes of his father, who was engaged in trade, and who was nearly ruined by connection with a banking speculation known as the "manufactory scheme," he was obliged to leave before completing his course, though his diligence had been so great that the faculty rewarded him with a bachelor's degree. These family misfortunes were followed by the death of his father, and Adams was compelled to relinquish his intention of entering the clerical profession, and attempt instead to continue his father's mercantile business. He was unsuited to the occupation, however, and had but indifferent success.

In efforts in behalf of the unfortunate speculators in the "manufactory scheme," Samuel Adams found an early introduction to politics, which finally became the chief interest and principal employment of his life. The act of Parliament which prohibited the formation of unincorporated joint-stock companies with more than six partners, compelled the two banking companies, which were formed on account of the scarcity of money, to wind up their affairs, and the partners were held individually liable for the notes issued in lieu of silver. The partners of the banking company called the "manufactory scheme" were particularly unfortunate, and the few who had any thing to lose, among whom was Adams's father, were ruined. This act of Parliament was denounced by the friends of banks as a violation of the chartered rights of Massachusetts. Thus Samuel Adams entered upon politics as the opponent of parliamentary authority, and as a champion for the body of the citizens; a position which his father seems, to a certain

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

extent at least, to have occupied before him. That his mind was strongly turned in this direction, appears from the subject he chose for his thesis upon taking his degree of A. M. He proposed as a question, "Whether it be lawful to resist the supreme magistrate, if the commonwealth cannot otherwise be preserved;" on which he maintained the affirmative.

Not succeeding in business, Adams obtained the office of tax collector for the town of Boston, which caused him to be brought in contact and acquainted with all the inhabitants, and obtained for him from his political opponents, the cognomen of Samuel *the publican*. Owing to some deficiency in his tax collections, — for he was a man of no business tact, — he was thrown for a time in the shade; but troubles impending, he again came forward conspicuously.

He remained steadily in the opposition during the administration of Governor Shirley, and against Bernard he took a still more decided stand, his influence increasing with his age. He took an active part in all town meetings, where his energy and courage made him a leader. The instructions given to their newly-chosen representative in May, 1764, by the town of Boston, — the first decided protests from any part of America against Grenville's scheme of parliamentary taxation, — were drawn up by him. The following year he was one of the 3 three representatives in the General Court chosen from the town of Boston; an office which he held the nine years following.

Upon his entry into the House he accepted the office of clerk, a position which, besides making an addition to his limited income, enabled him to exert an influence over the course of proceedings. The Massachusetts House of Representatives was the largest assembly in the colonies, numbering at this time about one hundred members. Besides taking an active part in the debates, which had already begun

to attract attention, he also was the one who drew up the greater part of the papers put forth by the House in its contentions with Bernard and Hutchinson. He was well fitted for this office by the mixture in his character of caution, with fire, courage, and decision, as well as by his eloquence and fluent pen. An account of Samuel Adams found in the Diary of John Adams, dated December 23, 1765, says, "Adams is zealous, ardent, and keen in the cause; is always for softness, delicacy, and prudence, when they will do, but is stanch, and stiff, and strict, and rigid, and inflexible in the cause."

Governor Hutchinson, who looked upon Adams from an opposite point of view, gives about the same account in his History of Massachusetts, and sets him down as the most artful and insinuating politician he had ever known, and most successful "in robbing men of their character, and calumniating the servants of the crown."

It was proposed to silence him by the gift of some office under the government; but Adams, though poor, was incorruptible, and Hutchinson, in a letter to England, said that, owing to his "obstinacy and inflexible disposition, no gift nor office could conciliate him."

In 1767 the passage of acts of Parliament, for the purpose of raising a parliamentary revenue in America by taxes on trade, aroused the colonists, who considered that taxes on trade for a revenue were as much a violation of their rights as any other tax. Adams took a leading part in urging these views, and supported the petition to the king, which the General Court of Massachusetts adopted on this occasion. The letter of instruction to the colonial agent in England, and a circular letter addressed to the different colonial assemblies, for consultation and mutual coöperation for the defence of their rights, were all written by him.

In 1770, upon the occurrence of the Boston massacre, in March, Samuel Adams was appointed chairman of a committee to wait upon the governor and council, with the vote of a town meeting, to the effect that nothing but the removal of the two regiments then quartered in the town would restore order and prevent carnage. Hutchinson at first disclaimed all authority over the soldiers; but after a consultation with Colonel Dalrymple, he replied, that the colonel was willing to remove one regiment. The energy of Adams prevailed, however, and both regiments were sent to the fortified island in the harbor, where they had previously been quartered. The destruction of the tea which it was attempted to force upon the colonists, the passage of the Boston port bill, and the bill modifying the Massachusetts charter, together with the appointment of General Gage as governor at the head of an army, brought things to a crisis.

At the meeting of the General Court in June, it was proposed to assemble a Continental Congress at Philadelphia, at which Adams was one of the five delegates appointed by the representatives; and Gage having thereupon suddenly dissolved the court, a separate government began immediately to be organized by the patriots. Transferred thus to Philadelphia, and from the Massachusetts General Court to a Continental Congress, Adams now had a broader field in which to act. His first act was conciliatory. There had been a good deal of feeling produced by the recent attempts to extend Episcopacy in America. A motion made by one of the Massachusetts delegates to open the proceedings of Congress with prayer was opposed by one of the delegates from New York, on the ground that as there were so many different beliefs among the members, they would hardly be able to join in the same act of worship. Thereupon Samuel Adams arose and said, "he was no bigot, and could hear a prayer

from a gentleman of piety and virtue who was at the same time a friend to his country," and proposed that Mr. Duché, an Episcopal clergyman, might be desired to read prayers before Congress, although he was himself a strict Congregationalist. The motion passed, and Duché, then the most popular preacher in Philadelphia, appeared the next morning as chaplain, which office he held during several sessions, though when the British occupied Philadelphia he abandoned the cause of his country. This motion of Adams was well timed, as it not only pleased the Episcopalians, a powerful body in New York, and predominant at the south, but also secured for the time Duché, whose example was not without effect.

Adams continued a member of Congress for eight years, taking an active and influential part. No man, probably, did as much as he towards putting the revolution in motion and effecting a separation from the mother country; a distinction which General Gage confirmed by excluding him, together with Hancock, from the pardon offered the people in case of submission.

He was not as prominent for his administrative talents, however, the policy he adopted being rather to suit the feelings, sentiments, and occasionally the prejudices of the people, than to meet the real emergencies. In the formation of the state Constitution of Massachusetts, adopted in 1780, he took an active part. In the Massachusetts Convention, called in 1788, to consider the Federal Constitution, Adams was an influential member, and was finally induced to give it his support, in consequence of several proposed amendments, some of which were afterwards adopted, although many of its features did not meet with his approval. The following year, Adams was elected lieutenant-governor of Massachusetts — a position he held till 1794, when he was chosen governor in place of Hancock. In national politics, Adams inclined decidedly towards the re-

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

publican or Jeffersonian party, a circumstance which influenced him not less than his increasing age and infirmities to decline serving longer as governor in 1797, when he retired to private life.

Possessing neither property nor profession, Adams was compelled, almost to the close of his life, to depend upon the small salaries and emoluments of office, augmented by the industry and economy of his wife, whom he married young, and who is said to have been the chief supporter of the family while Adams devoted himself to politics. The death of his only son, in 1788, gave Adams a competency, however, through the avails of his claims for services as surgeon in the army through the revolutionary war. This competency Adams enjoyed until October 2, 1803, when he died, being eighty-one years of age. Besides the state papers, of which Adams was almost wholly the author, and the many contributions of political articles made to newspapers, he wrote a number of letters which appeared in print, and also an oration on American Independence, which was delivered in Philadelphia, in 1776 — an excellent specimen of his style.

JOHN ADAMS.

MASSACHUSETTS.

THIS distinguished patriot and statesman was born in that part of Braintree, Massachusetts, which has since been set off under the name of Quincy, October 19, 1735. He was a great-grandson of Henry Adams, who emigrated from England in 1640, and settled in Braintree, having had a grant of forty acres there. The father of Adams was a deacon of the church and selectman, though a farmer of limited means and a shoemaker. He was enabled, however, to give a classical education to his

eldest son, John, who graduated at Harvard College in 1755.

The first employment of Adams, on leaving college, was the care of a grammar school in Worcester, Massachusetts, which, however, proved an affliction, and induced him to seek relief in the study of law. He had previously, however, thought seriously of becoming a clergyman, but was deterred from so doing by the theological controversies he had witnessed. The army also had attractions for him, and had he patronage to secure preferment nothing would have deterred him from becoming a soldier. About this time he wrote a remarkable letter to a young friend, containing some singular prophecies with regard to England and her colonies in America, and from this time his interest in public affairs commenced. After studying at Worcester two years, where he had placed himself under the tuition of the only lawyer in that town, he returned to Braintree, and in 1758 commenced life in Suffolk county. Gradually his practice increased, and in 1764 he married Abigail Smith, a daughter of the minister of Weymouth, whose connections occupied a superior social position to the family of Mr. Adams. She was well fitted to make him happy, however, and was a lady of great ability and good sense.

Soon after his marriage his attention was called from the law, and directed to politics by reason of the attempt at parliamentary taxation. He encouraged the calling of a town meeting to instruct the representatives on the subject of the stamp act, and the resolutions he offered on that occasion were not only approved and adopted by his own town, but by more than forty others, word for word, and attracted great attention throughout the province. The violence which followed somewhat alarmed him, and the refusal of the judges to go on without stamps caused a vexatious interruption in his own business. An unexpected

appointment on the part of the town of Boston to act as counsel, together with Jeremiah Gridley, the king's attorney and head of the bar, and James Otis, the celebrated orator, somewhat consoled him, though they were unsuccessful in their mission to obtain permission from the governor and council to proceed with business notwithstanding the want of stamps. The stamp act was repealed soon after, and business proceeded as before.

Adams at this time first became known as a writer. Among other papers, a series of four articles, which appeared in the *Boston Gazette*, attracted a great deal of attention, being republished in a London paper, and afterwards printed in a volume with other papers relating to the disputes on taxation, under the title of an "Essay on the Canon and Feudal Law." They had reference to these subjects, but it has been suggested that they might more properly have been called an "Essay on the Government and Rights of New England."

In 1770 he was chosen a representative from Boston to the General Court, although he had previously accepted a retainer to defend Captain Preston and his soldiers for their share in the Boston massacre, which defence he conducted with success. Adams's acceptance of the office of representative interrupted in a great measure his practice at law, which he depended on for support, and which had already grown to be greater than that of any other lawyer in the province. From this time forward Adams became the principal legal adviser of the patriot party, and for the first time an active and conspicuous member of it. Returning afterwards to Braintree, he continued to be consulted, and to give advice regarding important matters, during the two or three following years. Soon after he was elected by the General Court to the Provincial Congress, but was negatived by Governor Hutchinson.

Adams was one of the five delegates from Mas-

sachusetts to the Continental Congress in 1774. In the discussions in the committee on the declaration of colonial rights, he took an active part in favor of resting those rights upon the law of nature, as well as the laws of England; and subsequently he was appointed to put the resolutions in shape, after the matter had been decided upon.

After the adjournment of the Provincial Congress, to which he had been elected a member by the town of Braintree on his return from Philadelphia, Adams applied himself to answering a series of able papers in a Boston journal, written by a supporter of the mother country's claims. These essays were continued during the winter of 1774, but were suddenly interrupted by the battle of Lexington. Under the title of "A History of the Dispute with America," an abridgment of them was published in 1775, and afterwards they were issued in pamphlet form, and have been twice reprinted entire. They are valuable on account of the contemporaneous view they present of the primary cause of the contest between England and the colonies, and of the policy adopted by Governors Bernard and Hutchinson, which helped so much to bring on that struggle. These letters are distinguished, like all his other productions, by a bold tone of investigation, as well as by a concise, clear, and pointed style, but, being written piecemeal and at various times, lack order and polish.

Adams was chosen a member of the Continental Congress of 1775, where, active and untiring, he found ample opportunity for the employment of his business talents. He was here placed upon a committee to fit out cruisers and see to naval affairs generally, and laid the foundation of an American navy, the rules and regulations of which were drawn up by him, and form the basis of our present naval code. In 1776, Adams, being frequently consulted by southern members, wrote several

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

letters concerning the best form of government the states could adopt, one of which was published under the title of "Thoughts on Government, applicable to the Present State of the American Colonies." This was largely circulated in Virginia, and intended to controvert the aristocratic views quite common in that state.

After the resolution was carried that the United States "are and ought to be free and independent," Adams was chosen upon two of the committees appointed, a committee on a Declaration of Independence, and one on foreign relations. Upon Adams the duty fell of battling the Declaration of Independence through Congress, which he succeeded in doing after three days' debate.

On the 12th of June, a board of war and ordnance being established by Congress, Adams was made president, a position he continued to hold for several months, and one of great labor and responsibility. At this time he was also chairman of the committee upon which devolved the decisions of appeals in admiralty cases from the state courts.

Having gained the reputation of having "the clearest head and firmest heart of any man in Congress," John Adams was appointed commissioner to France in 1777, to supersede Deane. On arriving, however, he found that the recall of Deane had not reconciled the other two commissioners, and advised the mission should be intrusted to a single person. Adopting his suggestion, Franklin was appointed ambassador, and Adams returned home, to take a leading part in the Convention called to form a state Constitution for Massachusetts. Before this Convention had finished the work, Adams was again sent abroad as minister to treat with Great Britain for peace and commerce, and sailed for France in 1779. Much against his inclination, Mr. Adams was deterred from making any communication of his powers to Great Britain, by Vergennes, the French

minister of foreign affairs, between whom and himself a feeling of distrust had arisen, which was entirely unfounded.

Finding his position in Paris uncomfortable, he left for Holland in July, 1780, to form an opinion as to the possibility of borrowing money there. In order that the Dutch might better understand American affairs, he published a number of papers, some of which were afterwards many times reprinted, and appeared under the title of "Twenty-six Letters upon Interesting Subjects respecting the Revolution in America." He had already entered upon negotiations for a loan, when interrupted by the breach caused by the capture of Laurens, and the declaration of war between Great Britain and Holland. He was soon afterwards appointed minister in place of Laurens, and commissioned to sign the articles of armed neutrality, but before he had procured recognition, was obliged to return to Paris in July, 1781, by receiving a notice to act there as minister to treat of peace.

Returning to Holland, Adams succeeded in his efforts to be received as ambassador, on the 19th of April, 1782, and during the year negotiated a Dutch loan of two millions of dollars, the first of a series which afterwards proved the principal resource of the Continental Congress, besides negotiating a treaty of amity and commerce. In the same year Adams was appointed, together with Franklin and Jay, to negotiate a commercial treaty with Great Britain. After remaining in England some time, and negotiating other loans in Holland, he returned to Paris in 1784, remaining there with his family, receiving a commission to form treaties with foreign powers. In 1785 Adams was appointed minister for the United States at the court of Great Britain. Here, being unable to accomplish any of the objects of his mission, and sensible of the ill feeling still existing between the two countries, his position was rather disagreeable, and he was recalled,

ROBERT TREAT PAINE.

at his own solicitation, in February, 1788, when he returned to America with the thanks of Congress for "the patriotism, perseverance, integrity, and diligence" he had shown during the ten years of his residence abroad.

Upon the adoption of the new Federal Constitution, after his arrival home, his name was placed upon the ticket with Washington, and he was elected Vice-President, being reëlected to the same office in 1792. In 1796 Adams was elected the successor of Washington, but at the expiration of his term of service, retired from public life, having sufficient property to support him in comfort during the remainder of his life. Adams felt keenly the neglect he then experienced, and the dislike of both political parties, caused by some of his acts during the latter part of his administration. The old charge of his having personal motives in setting on foot the mission to France in 1779, being brought up, he took up the subject in a series of letters to the Boston Patriot. These are a valuable continuation of the history of that period, and are generally regarded as a complete vindication of his conduct at that time.

In 1820, when the District of Maine became a separate state, Adams, although eighty-six years old, was chosen a delegate to the Convention of Massachusetts, to revise the Constitution, in the framing of which instrument he had taken an active part. A series of resolutions were passed by the members of this body, containing an enumeration and warm acknowledgment of some of his principal public services, and calling upon him to preside; but acknowledging the compliment, he declined the honor on account of his age. In 1825 Adams had the pleasure of seeing his son raised to the president's chair, and received the congratulations of Jefferson, between whom and himself there had been ill feeling for thirteen years after the withdrawal of the latter from public life. In 1826 Adams became feeble, and his

health rapidly declining, he expired on the 4th of July, in the ninety-second year of his age. Upon the same day, and nearly the same hour, Jefferson also died. It was the fiftieth anniversary of the Declaration of Independence, and the singular coincidence made a deep impression on the minds of the people.

ROBERT TREAT PAINE.

MASSACHUSETTS.

ROBERT TREAT PAINE was born in Boston, Massachusetts, March 11, 1731. His ancestors were of good family, his maternal grandfather being Governor Treat, of Connecticut. His early education was conducted by the same tutor that instructed John Adams and John Hancock, and at the age of fourteen he was admitted to Harvard College, where he graduated with honor. He then studied theology, after he had made a voyage to Europe, and on his return acted as chaplain, in 1755, to the troops on the northern frontier. But he relinquished this profession, and studied law with Chief Justice Pratt, of New York, teaching school meanwhile to support himself, and was admitted to the bar, and commenced practice. He subsequently moved to Boston, and became a powerful rival of the celebrated Timothy Ruggles.

He early took sides with the patriots, but so conducted himself that he won the confidence of the governor. In 1768 he was elected delegate to the Provincial Congress, called after Governor Bernard had dissolved the General Assembly, for refusing to rescind a circular letter sent to the other colonies.

In 1770 he added much to his reputation by the able manner in which he conducted, in the absence of the attorney-general, the prosecution against Captain Preston and his men

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

for firing on the inhabitants of Boston. In 1774 he was chosen a member of the Provincial Assembly, and was one of the commissioners appointed to conduct the proceedings in the impeachment of Chief Justice Oliver.

During this same year he advocated the calling of a Continental Congress, in opposition to Governor Gage, and was appointed a delegate to it. He was deputized by Congress, with two others, to visit General Schuyler's army at the north for the purpose of observation. This delicate commission was performed to the satisfaction of all. He was reelected to the Continental Congress in 1776, and gave his support and vote to the Declaration of Independence.

He occupied many important stations in the government of Massachusetts, being in 1777 speaker of the Massachusetts House of Representatives, and attorney-general, which latter office he held until 1790, when he was appointed judge of the Supreme Court.

In 1804 he was obliged, on account of deafness, to resign the office of judge, and retire to private life. He died May 4, 1814, at Boston, aged eighty-four.

ELBRIDGE GERRY.

MASSACHUSETTS.

ELBRIDGE GERRY was born in Marblehead, Massachusetts, July 17, 1744. He received a good education, and graduated at Harvard College in 1762. Entering into commercial pursuits soon after, he was quite successful, amassing a handsome fortune, and winning the esteem of his fellow-citizens by his honorable character. Having expressed his opinions openly and fearlessly in regard to the oppressions of the mother country, he was elected to the General Court of the province in 1772, from Marblehead. He immediately

became the associate of Samuel Adams, Hancock, and Warren, and continued in public life from this time till his death, almost without intermission. He was placed on two most important committees, those of safety and supplies, and afterwards appointed judge of the Court of Admiralty, but declined the office, as he preferred a more active life.

In January, 1776, he was chosen a delegate to the Continental Congress, where he was placed on the most important committees, and was most of the time chairman of the committee of the treasury, until the organization of the treasury board in 1780, of which he was made presiding officer. In 1780 he retired from Congress, but was reelected in 1783, where he remained until 1785, and is said to have been longer a member of that assembly than any other man.

He was appointed a member of the Convention which met at Philadelphia, in 1787, to revise the Articles of Confederation. He was so opposed to many of the leading features of the Constitution proposed, however, that he refused to sign it; but when it was sanctioned by the people he did all in his power to carry out its provisions. He was a member of Congress four successive years, and served faithfully, and in 1795 retired to private life. In 1797, however, President Adams, knowing his ability, appointed him one of the three envoys to France. This joint mission not being received, however, by that government, and the acceptance by Gerry of their invitation to remain, although his associates were ordered to leave, made him very unpopular with many of the people of the United States. On his return he was nominated for governor in 1798, but was defeated, and again in 1801, but was elected in 1810, and again in 1811. In 1812 he was elected Vice-President of the United States, but was suddenly seized with illness while performing his duties at Washington, and died on the

John Hancock John Hart
Wm Paca
Sam Adonw
Geo Madam
The Honorable
Charles Carroll
Gerry
The McLean Roger Sherman Sam Huntington
N^m Whipple Thomas Lynch Jun.
Geo Taylor Josiah Bartlett Benj Franklin
M^m Williams Rich Stockton John Morton
Oliver Wolcott Jacob Vassieport Gt Robt
The Hon Samuel Chase Robt Great Paine
George Wythe Matthew Thornton
Fran Lewis Th Jefferson Henry Harrison
Lewis Morris Abra Clark Phil Livingston
Arthur Middleton Fra Hipkinson
Geo Walton Carter Braxton James Wilson
Richard Henry Lee The Heyward Jun
Benjamin Rush John Adams Rob Morris
Lyman Hall Joseph Hewes Button Guinness
Francis Lightfoot Lee
William Cery Edward Rutledge Jas Smith





twenty-third of November, 1814, when seventy years old. He was entombed in the Congressional cemetery, and Congress erected a handsome monument to his memory.

STEPHEN HOPKINS.

RHODE ISLAND.

STEPHEN HOPKINS was born in Scituate, Rhode Island, March 7, 1707. He took up his residence in early life at Providence, and was elected a member of the General Assembly in 1733, and in 1739 chief justice of the Court of Common Pleas. He was chosen governor of the state in 1755, which office he continued to hold until 1768, with the exception of four years. His sympathies were early with the colonies, siding with them against the mother country. In 1754 he was appointed one of the members of the board of commissioners which assembled to form a plan of union for the colonies at Albany, New York. In 1765, at a special town meeting, he was chosen chairman of a committee appointed to draught instructions to the General Assembly on the stamp act.

In August, 1774, Hopkins was elected, with Samuel Ward, to represent the state in the General Congress held at Philadelphia, and was also chosen, in 1775 and 1776, a member of that body. He here used his influence in favor of decisive measures, strongly upholding them, and advising such members as were not prepared for action to return home. At this time, although entering upon his seventieth year, he possessed all the fire of youth in his zeal for the freedom of his country. His signature to the Declaration of Independence is written in a trembling hand, which was owing, however, to a nervous affection. He was placed upon the naval committee next after John Hancock, the chairman, and assisted greatly in the formation of a navy. John Adams, who was

associated with him on this committee, says he was the life of them, and his experience and judgment in business were very useful; while, having read Greek, Roman, and British history, and being familiar with British poetry, rendered him an exceedingly agreeable companion, particularly as he possessed wit and humor, as well as the faculty of imparting his knowledge to others. Governor Hopkins was for many years chancellor of Brown University, and for fifty years filled some public station. In 1768 he began a "History of the Planting and Growth of Providence," which was published in the Providence Gazette. In the same year, by order of the General Assembly of Rhode Island, he wrote and published a work, entitled the "Rights of the Colonies Examined," afterwards reprinted in London. He died in Providence July 13, 1785, and a monument was erected over his grave by the state.

WILLIAM ELLERY.

RHODE ISLAND.

WILLIAM ELLERY was born in Newport, Rhode Island, December 22, 1727. Particular attention was paid to his early education, and he distinguished himself as a scholar in Greek and Latin at Harvard University, where he graduated in 1747, at the age of twenty. For some years following his marriage, which occurred in 1750, he devoted himself to mercantile pursuits in Newport, and was also naval officer of the colony of Rhode Island. In 1770 he commenced the practice of law in Newport, having previously served two years as clerk of one of the courts, and acquired a fortune in this pursuit.

When the revolutionary troubles began, Ellery became an ardent sympathizer with the colonies, and an active patriot. In May, 1776, he took a seat in the Continental Congress as

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

delegate from Rhode Island, where he remained till 1786, with the exception of the years 1780 and 1782, proving himself an active and useful member. In 1782 he was appointed by Congress to inform Major-General Greene of their estimate of his valuable services. In 1784 he was a member of the committee to whom the treaty of peace with Great Britain was referred. He was also a member of the marine committee, and subsequently of the board of admiralty, where he exercised a great deal of influence; and the plan of fitting out fire-ships at Newport is said to have originated with him. In 1785, in connection with Rufus King, of New York, he made strenuous efforts to have slavery abolished in the United States. In April, 1786, he was chosen commissioner of the Continental loan office for the State of Rhode Island by Congress; and, in 1790, after the adoption of the new Constitution, was appointed by President Washington collector for the port of Newport, which office, notwithstanding he made frequent avowal of political principles opposed to several administrations, he retained until his death, which occurred on the 15th day of February, 1820, in the seventy-third year of his age.

ROGER SHERMAN.

CONNECTICUT.

THIS distinguished signer was born in Newton, Massachusetts, on the 19th of April, 1721. His father, being only a farmer in moderate circumstances, could give him no better education than a country school afforded; but being naturally eager in the pursuit of knowledge, he supplied by his own exertions what his situation could not give. He was, when young, apprenticed to a shoemaker, but found time, even when at his work, by placing a book before him on his bench, on which he could look

when his eyes were not needed for his work, to acquire a good knowledge of mathematics and astronomy.

His father having died when he was only nineteen, the care of the family devolved upon him. In 1743 he sold the farm upon which they had hitherto lived, and with the rest moved to New Milford, Connecticut, performing the journey himself on foot, with his tools upon his back. He relinquished his trade, and commenced business with a brother; but during all these interruptions he never abandoned his habit of study.

Law became a favorite pursuit with him; and so proficient did he become in this, that, although he had no tutor, and was forced to borrow most of the books which he read, he was admitted to the bar in December, 1754. He had previously to this time been appointed county surveyor, and had made most of the astronomical calculations for a New York almanac.

He was elected in 1755 a representative of the Assembly of Connecticut, and appointed a justice of the peace. In 1759 he was made a judge of the Court of Common Pleas. Having changed his residence to New Haven, he received many similar appointments, and also that of treasurer of Yale College, which institution conferred upon him the degree of A. M.

In 1766 he was constituted a member of the Senate of Connecticut. His open and earnest efforts in behalf of the rights of the colonies caused him to be elected a delegate to the Continental Congress, and during his whole career as a member of this body he showed the most untiring zeal and unflinching courage in the discharge of his duties, and was one of the committee selected to draw up the Declaration of Independence. In the midst of these cares he still continued to hold many minor offices, among which was that of mayor of New Haven.

SHERMAN. — HUNTINGTON. — WILLIAMS.

In the year 1783, together with Richard Law, he was commissioned to revise the statutes of his state. In 1787 he was a member of the Convention which framed the present Constitution of the United States, and was unwearied in his efforts for its adoption.

During two years he held the office of United States senator, but his declining health caused him to resign this position. His death occurred on the 23d of July, 1793.

SAMUEL HUNTINGTON.

CONNECTICUT.

SAMUEL HUNTINGTON was born in Windham, Connecticut, on the 2d of July, 1732. His father was an industrious farmer, but unable to give his son any other than a common school education. Huntington was very studious, however, and overcame many obstacles that stood in the way of his advancement. He managed to acquire a tolerable knowledge of Latin, and commenced the study of the law at the age of twenty-two. Although obliged to pursue it with borrowed books and without a teacher, he succeeded in mastering its difficulties and obtaining a good practice in his native town, but removed to Norwich when twenty-eight, where he had a wider field for his talents.

He was elected to the General Assembly of Connecticut in 1764, and in the following year a member of the Council, and in 1774 associate justice of the Superior Court. In January, 1776, he was chosen one of the delegates to the Continental Congress, where he became an active and useful member, and remained nearly five consecutive years. In September, 1779, he succeeded John Jay as president of Congress, and continued in that office until July, 1780, resuming then his seat on the

Connecticut bench. He again took a seat in Congress in 1783, leaving it, however, in November of the same year, and, returning to Connecticut, was appointed chief justice of the Superior Court in 1784. In 1785 he was elected lieutenant-governor, and the following year succeeded Roger Griswold as governor, which office he held till his death, in Norwich, on the 5th of January, 1796.

WILLIAM WILLIAMS.

CONNECTICUT.

THE subject of this sketch was born of Welsh parents, who emigrated to this country, at Lebanon, Connecticut, April 8, 1731. His father was minister of the parish, and intended him for the same profession. He entered Harvard at the age of sixteen, and after completing his studies there, commenced a theological course with his father. But the French and Indian war proved more attractive, and in the year 1755 he accepted a commission on the staff of his relative, Colonel Ephraim Williams, and accompanied him on an expedition to Lake George. He returned home after this campaign, thoroughly disgusted with the British soldiers, especially the officers, who regarded the colonists as inferior and treated them with haughtiness. The seeds of dislike towards his mother country which sprung up and flourished during the revolution, were probably sown at this time.

He did not continue his theological course, but entered into business in Lebanon. At the age of twenty-five he was chosen town clerk — an office which he held for nearly half a century. He was not long afterwards made a member of the Connecticut Assembly, in which he held a seat for nearly forty-five years.

When the revolutionary troubles commenced

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

he was an active member of the council of safety, and in October, 1775, was elected a delegate to the General Congress. He was an earnest though modest advocate of the independence of the colonies, and gladly gave his signature to the Declaration, when the immortal instrument was at last adopted. His property was nearly all expended in the war, and he was successful in procuring many private donations in aid of the army, often going himself from door to door, soliciting articles with which to relieve the destitution of the soldiers. Once, when the issue of paper money had become so worthless that the services of the military could not be procured by it, he exchanged more than two thousand dollars of it for specie from his own funds, thereby losing the whole. His devotion to the cause of independence was illustrated by many similar acts of self-sacrifice and unassuming labor.

When, in 1781, the traitor Arnold made an attack on New London, Williams, who was then a colonel of militia, rode twenty-three miles in three hours, but arrived only in time to see the town enveloped in flames.

He was a member of the state Convention of Connecticut which decided upon the adoption of the present Constitution of the United States. He voted for it in direct opposition to the instructions of his constituents, who, upon discovering their mistake, admired and were grateful for his firmness.

In 1804 Colonel Williams dissolved his connection with the Connecticut Assembly, and retired to private life, where he greatly endeared himself, by his domestic virtues, to all around him. In 1810 the death of his eldest son so powerfully affected his weakened constitution that he never recovered from the shock. For four days previous to his death he lay perfectly silent, and took his departure from this world August 2, 1811, at the advanced age of eighty-one.

OLIVER WOLCOTT.

CONNECTICUT.

OLIVER WOLCOTT was born at Windsor, Connecticut, on the 26th of November, 1726. His career was eminently a military one. Having received a captain's commission directly after his graduation at Yale, which took place in 1747, he raised a company and proceeded to join the army on the northern frontier, to fight the combined forces of the French and Indians. He remained here until the termination of hostilities by the treaty of Aix-la-Chapelle.

His attention was then turned to medicine; but he abandoned it upon the completion of his studies, on account of the office of sheriff having been conferred upon him.

In 1774 he was made a member of the Council of his state, and was annually reëlected until 1786. During this interval he also filled the positions of chief justice of the county, judge of the Court of Common Pleas, and judge of Probate, and had regularly risen from captain to major-general of militia.

In 1776 his patriotism and ability secured for him a seat in the Continental Congress; and during his connection with this body he was appointed one of the commissioners for procuring the neutrality of the Indians, and also assisted in amicably settling the dispute between Connecticut and Pennsylvania about the Wyoming Valley. In this latter duty he was assisted by William Whipple, another of the noble signers of the Declaration of Independence.

He was sent as delegate to the second General Congress towards the close of 1776, during which time he affixed his name to the Declaration; and after this trying duty had been performed, he was placed by Governor Trumbull at the head of fourteen regiments of the state militia, raised to act for the defence of New York.

After the battle at Long Island he resumed

his seat in Congress; but during the following summer he joined Gates's army, and assisted in repelling Burgoyne. He again returned to Congress, where he continued, with some interruptions, until 1783.

During the summer of 1779 he successfully undertook the defence of the sea coast of his state against the British. In 1784 and 1785 he was actively employed as agent in negotiating with the famous Six Nations, and prescribed terms of peace to them.

In 1786 General Wolcott was chosen lieutenant-governor of Connecticut, and after ten successive reëlections, was made governor, which position he retained until the day of his death, December 1, 1797. Among the most prominent traits of his character were decision, virtue, a bright piety, and untarnished integrity.

WILLIAM FLOYD.

NEW YORK.

WILLIAM FLOYD was born in Suffolk county, New York, December 17, 1734. He had hardly finished his studies when he was called to the superintendence of a large estate, by the death of his father, who was a wealthy land owner on Long Island. He performed his duties with great skill and fidelity, but was soon called to a more active life by the differences with Great Britain. An excellent character and pleasing manners soon made him very popular, which, united with his strong sympathy with, and support of the cause of the colonies, led to his appointment to the command of the militia of Suffolk county.

Floyd was chosen a delegate from New York to the Continental Congress in 1774, and became one of the most active of its members. During his absence the British collected a force

with the intention of invading Long Island and levying contributions, but he returned in season to place himself at the head of a division, and marching towards the threatening invaders, awed them into a retreat to their vessels by his energy and daring. In 1775 he was again returned to the General Colonial Congress, and continued a member during the eight succeeding years.

While attending so zealously to his public duties in Congress he suffered greatly in consequence of the destruction of his property. After the battle of Long Island, in August, 1776, and the retreat of the American army to York Island, his estate was exposed to the ravages of the British soldiery, and his family forced to seek shelter and protection in Connecticut, and for seven years he received no income whatever from his property. In 1777 he was elected a senator of the State of New York, reserving at the same time his seat in Congress. In 1779 Floyd, in connection with two or three others, led the state safely through threatened bankruptcy, and by their skilful management placed it in a very prosperous financial condition. He was elected a member of the first Congress under the Constitution, which met in New York in 1789, declining a reëlection.

In 1801 he was chosen a presidential elector, and a delegate in the Convention for the revision of the Constitution. He was afterwards chosen a member of the state senate, and twice presidential elector. He retained his mental faculties, and enjoyed robust health until he died, August 4, 1821. His life was a long and active one. Being a thorough business man, and possessing a great deal of decision, his services proved of the greatest benefit to the country during the stormy times of the Revolution and the turbulent period which followed.

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

PHILIP LIVINGSTON.

NEW YORK.

PHILIP LIVINGSTON, a descendant of John Livingston, an exemplary Scotch minister, was born in Albany on the 15th of January, 1716. Having completed a preparatory course of study, he entered Yale College, New Haven, where he graduated with high honors in 1737. He immediately engaged in commercial pursuits, removing to New York, where he commenced an extensive and profitable business, gaining the respect and esteem of all by his honesty and uprightness.

Livingston first entered public life in 1754, when he was chosen alderman, serving in that capacity until 1758. He was then elected to the Colonial House of Assembly, where he became a leader, and through his wisdom and sagacity plans were started which ended in the capture of important fortresses from the French, and subsequently the subjugation of Canada. The celebrated Edmund Burke was the resident agent in England for New York at the commencement of the war. He made some very able speeches in Parliament while there, defending the colonies, and it is believed that he obtained his enlightened views through a constant correspondence with Philip Livingston, who was placed upon a committee for that purpose. He was an influential member, taking a firm stand against the oppressions of Great Britain, and remained here until the ascendancy of Toryism in 1769.

In 1774 Livingston was elected to the first Continental Congress, and was placed upon the committee by whom the address to the people of Great Britain was prepared. The following year he was one of the delegates chosen by the Provincial Convention to Congress, with power to act as circumstances required. He zealously upheld the proposition for independence, and voted for and signed the Declaration of

Independence, which act was approved by the Provincial Assembly of New York. He was subsequently chosen to the Provincial Congress and State Assembly, and was elected a member of the first state senate of New York, which met on the 10th of September, 1777. He was reelected to the Continental Congress in 1778, and took his seat, although in an extremely delicate state of health, but died on the 12th of the following June, (1778,) one of the most devoted and purest patriots.

FRANCIS LEWIS.

NEW YORK.

FRANCIS LEWIS was born in Wales, in the town of Llandaff, Glamorganshire, in March, 1713. He was left an orphan when only about five years old, under the care of a maiden aunt, and after receiving a preliminary education in Scotland, his uncle, Dean of St. Paul's in London, sent him to Westminster, where he was well educated. After leaving school he served an apprenticeship with a London merchant. Becoming the possessor of some money on coming of age, he invested in merchandise and sailed for New York, where he engaged in commercial pursuits, which he followed for forty years, until the breaking out of hostilities with Great Britain in 1775. In the interval he several times visited Europe as his business increased, and was agent for supplying the British troops in America during the French and Indian war. He was the aid of Colonel Mercer, at Fort Oswego, when it was captured by Montcalm, in August, 1757, being taken to Canada with other prisoners and narrowly escaping death by the Indians. He was afterwards sent to France, where he was finally exchanged.

Lewis was elected delegate to the Colonial Congress in 1765. He retired to his country

MORRIS.— STOCKTON.

residence on Long Island on the enforcement of the Stamp Act. In 1775 he was chosen a member of the General Congress. The following year he was also elected a delegate by the Provincial Assembly, becoming one of the signers of the Declaration in August. He continued a member of Congress until April, 1779, except during a short interval, being always an active committee man in that body. His residence on Long Island was plundered by the British during the war, and not only did they destroy his property to such an extent that he died a poor man, but they imprisoned his wife for several months, during which she received such hard treatment that she died two years afterwards in consequence. Francis Lewis lived to be ninety years of age, and died on the 30th of December, 1803, universally esteemed and respected by his countrymen.

LEWIS MORRIS.

NEW YORK.

THIS bold and zealous advocate of the Declaration of American rights was born at Morrisiana, in New York, in 1726. He entered Yale College at the age of sixteen, where he graduated with honor, and then settled upon the estate which his father had left him.

When the troubles between England and America broke out, he took an active part against the act of Parliament compelling the inhabitants of New York to furnish supplies to the troops. His own circumstances were such as to render this no heavy burden, but his sympathy was awakened for those around him, and he risked his ease and fortune for their sake.

Notwithstanding his earnest endeavors, the colony of New York did not at first see fit to send him as delegate to the General Congress; but he was soon better appreciated, and in April, 1775, was elected a member of the second

Continental Congress, which appointed him a member of the committee to devise means for the supply of the colonies with munitions of war. To him was also assigned the arduous task of detaching the Western Indians from their alliance with Great Britain.

In 1776 he resumed his seat in Congress, and when the question arose whether the independence of America should be declared or not, he openly advocated it, although by so doing he sacrificed all his property, as the enemy destroyed all his valuable estate, and drove his family into exile. His patriotic spirit communicated itself to three of his sons, who entered the colonial army, where they served with distinction to themselves.

Mr. Morris received the appointment of major-general, but his services in that capacity were not brought much into requisition. He relinquished his seat in Congress in 1777, and retired to the remains of his once fine estate, where he spent the remainder of his days. He died in January, 1798, and his funeral was attended by a large concourse of citizens, who sincerely mourned his loss.

RICHARD STOCKTON.

NEW JERSEY.

RICHARD STOCKTON was born near Princeton, New Jersey, October 1, 1730. His studies preparatory to a collegiate course were pursued at an academy in Maryland, after having finished which he entered New Jersey College, from which he graduated in 1748. He then commenced the study of law, and was admitted to the bar, where he soon became distinguished for his great abilities.

In June, 1766, Mr. Stockton went to England, making the tour of the British Isles during his sojourn of about two years. He was every where received with the most flat-

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

tering marks of distinction, and was complimented at Edinburgh with a public dinner and the freedom of the city, and his opinions on the leading topics of the day were eagerly sought for by many eminent persons of the realm. On his return home in 1768, he was escorted to his residence by the people, so greatly was he esteemed.

During this year he was appointed by the king one of the judges of the Supreme Court, and a member of the royal executive council of the colony. Being thus openly honored by the king, and being possessed of an ample fortune, the temptations to remain on the side of royalty during the stormy times which took place in the colonies were many and strong, but he nobly overcame them and boldly avowed himself on the side of the patriots.

In June, 1776, he was constituted a member of the General Congress, then in session at Philadelphia, and took his seat in time to take part in the debate concerning the Declaration of Independence. At first he was somewhat doubtful of the expediency of such a measure, but the conclusive arguments of John Adams having settled the question, he cheerfully voted for and signed it.

In the fall of that year he received an equal number of votes with Mr. Livingston for governor of the state, but the office was finally conferred upon the latter. He declined the honor of chief justice of New Jersey, but accepted a reelection to Congress, which sent him, with Mr. Clymer, on a mission to General Schuyler, to investigate the reasons for the miserable condition of the northern army, and to devise means for its amelioration. He was obliged to hasten home to prevent his family from being captured by the British army, then pursuing Washington and his forces across New Jersey. He removed them to the house of a friend, some thirty miles distant, but the retreat was discovered, and he was dragged from his

bed at night by a party of refugee loyalists, and taken to New York. On his way there he was treated with great indignity, and was thrown into the common prison, where he endured great hardships, which terminated his life February 28, 1781.

JOHN WITHERSPOON.

NEW JERSEY.

JOHN WITHERSPOON was born in the parish of Yester, Scotland, on the 5th of February, 1722. He was a descendant, on his mother's side, of John Knox, and was educated at the University of Edinburgh. His father determined to have his early education based upon sound moral and religious principles, and early dedicated him to the ministry, and his own mind seemed specially bent towards sacred literature. He went through a regular course of theological study, and was licensed a preacher when he was twenty-one, and was ordained minister of the parish of Beith, where he labored faithfully for many years.

Mr. Witherspoon was present as a spectator at the battle of Falkirk, January 17, 1746, and was taken prisoner and confined two weeks, during which time his health received a permanent injury. In 1753 he published, anonymously, "Ecclesiastical Characteristics," and a few years later an "Apology," in which he acknowledged himself the author of the previous work.

In 1757 he removed from Beith to Paisley, where he soon became distinguished for his piety and learning. He was invited to remove to several distinguished cities of Europe, but declined. In 1766 he was unanimously invited by the trustees of New Jersey College to become its president, but on account of his wife's unwillingness to leave her native land con-

cluded to refuse. But being strongly urged by Richard Stockton, when on his visit to Scotland, to accept the appointment, he sailed with his family, and arrived at Princeton in August, 1768; and on the 17th was inaugurated as the head of the institution. His character and exertions soon raised its reputation, and increased the state of its finances. He accepted a professorship of divinity, and was pastor of the church at Princeton during his presidency. The Revolution dispersing the students, left him at leisure to attend to the great events of the day, and his talents were soon called into play in a new field.

Early in 1776 he was a member of the Convention called together to assist in the formation of a new Constitution for New Jersey, and his patriotism and good sense were so conspicuous that he was elected a delegate to the Continental Congress. His mind had already been made up on the subject of independence, and he heartily gave his support to it. He remained connected with this body the greater part of six years, served on many important committees, and was intrusted with several delicate commissions.

Upon the restoration of peace in 1783, the college was reopened, and Dr. Witherspoon returned to his duties there, and made a journey to England in order to obtain funds for the institution, which had suffered greatly during the war. This voyage was undertaken against his better judgment, as he wisely concluded that but little money could be obtained from a people so recently engaged in a deadly war with his countrymen, and whose feelings were not then right towards them. Trial proved that he was correct, as he obtained barely enough to pay expenses.

During the latter part of his life he suffered from imprudent speculations in land. About two years before his death he lost his eyesight, but he did not relinquish his ministerial duties.

He closed his long and useful career on the 10th of November, 1794. As a theological writer he had but few superiors, and as a statesman he held a high rank. His learning was extensive, and his knowledge of character singularly good.

FRANCIS HOPKINSON.

NEW JERSEY.

FRANCIS HOPKINSON was born in Philadelphia, in 1737, and died May 9, 1791. His father, Thomas Hopkinson, was an English gentleman, who died when his son was fourteen years of age. He was the first student who entered the College of Philadelphia, (now the University of Pennsylvania,) where he graduated, and afterwards adopted the profession of the law. In 1761, in a conference held on the Lehigh, between the government of Pennsylvania and several Indian tribes, he was chosen secretary — an event he afterwards celebrated in one of his poems. In 1766 he went to England, where he remained two years, and afterwards returning to America, settled in Bordentown, New Jersey, where he married Miss Ann Borden. He was chosen one of the representatives to Congress from New Jersey in 1776.

Hopkinson distinguished himself by his political and satirical writings during the Revolution, which were very popular, and he is said to have done much towards educating the American people for political independence. In 1779 he was made judge of the Admiralty of Pennsylvania, an office he continued to hold until its expiration on the organization of the federal government, a period of ten years. When, however, General Washington took the President's chair, Hopkinson received from him a very complimentary letter, in which was enclosed a commission as United States district judge for Pennsylvania.

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

He was a man possessing many accomplishments, being familiar with the sciences as well as skilful in painting and music, having composed some airs for his own songs, which were very popular. The most important of his political writings were "The Pretty Story," published in Philadelphia, in 1774, "The Prophecy," published in 1776, and "The Political Catechism," in 1777. His poems which are the most well known are "The New Roof, a Song for Federal Mechanics," and a humorous ballad, entitled "The Battle of the Kegs." His essays and occasional writings were published after his death, in Philadelphia, in 1792.

JOHN HART.

NEW JERSEY.

THE precise date of the birth of JOHN HART is unknown. He was born in Hopewell, New Jersey, where he passed the earlier part of his life on his paternal estate, following the avocation of his father, who was a farmer, and by industry and enterprise he acquired a moderate fortune. His sympathies were immediately enlisted in the cause of his oppressed countrymen when the Stamp Act arrested his attention, and although living in a secluded district, he was perfectly acquainted with affairs both at home and abroad, and took part in the election of delegates to the Colonial Congress, convened in the city of New York in 1765. He was often elected to the Colonial Assembly, and took an active part, particularly in the legislation for local improvements.

In 1774 Hart was chosen a delegate to the Continental Congress, and reëlected in 1775, but resigned his seat to attend to family affairs, being chosen, however, to the Provincial Congress of New Jersey, and becoming vice-president of that body. In February, 1776, his

talents being considered too valuable to remain inactive, he was again reëlected to the General Congress, when he voted for, and signed the Declaration of Independence. At the invasion of New Jersey by the British army his estate was among the first to be devastated, and particular exertions were made to take him prisoner, so that he dared not remain two nights under the same roof. He was enabled to return to his estate, however, by Washington's capture of the Hessians, and remained there until his death in 1780, at an advanced age.

ABRAHAM CLARK.

NEW JERSEY.

ABRAHAM CLARK was born in Elizabethtown, New Jersey, February 15, 1726. He received an excellent education, particularly in mathematics and civil law, and took up the occupations of surveying and conveyancing, being unable to attend to his paternal farm in consequence of possessing a feeble constitution. He soon acquired a knowledge of the law; and though he never followed the profession, he was often called "the poor man's counsellor," on account of his readiness and ability to impart advice gratuitously.

He held several important local offices under the colonial government, but took an active part in upholding the rights of the colonists, and in resisting the aggressions of the mother country, becoming a constant and useful person at the meetings of the people. He was a member of the Committee of Public Safety in Elizabethtown, and on June 21, 1776, was one of the five delegates appointed to the Continental Congress from New Jersey by the Provincial Congress, and there became one of the signers of the Declaration of Independence. He was reëlected in the fall of the same year, and con-

tinued a member of this Congress until November, 1783, except during the session of, 1779.

In 1788 Clark again took his seat in the National Legislature. He was one of the commissioners in the Convention which met at Annapolis, September 11, 1786, in order that they might report a uniform system of commercial intercourse and regulations to be ratified by all the states, and in the following year, May 8, he was appointed one of the commissioners to represent New Jersey in the Convention which framed the Constitution. He was prevented, however, from attending the sessions of that famous assembly by ill health, but was elected a member of the Second Congress in 1790, retaining his seat until a short time before his death, which occurred in the autumn of 1794, from the effects of a sunstroke. His remains rest in the cemetery at Rahway, New Jersey, where a handsome marble monument was erected to his memory, July 4, 1848, by his fellow-citizens.

ROBERT MORRIS.

PENNSYLVANIA.

THIS distinguished financier was born in Lancashire, England, in January, 1733. His father was a merchant, engaged in American trade, and came to this country to settle, whither he was followed by his son when he was thirteen. Not long after his arrival he was placed in the counting room of Mr. Charles Willett, and his fidelity and ability caused him, upon the death of the senior partner, to be admitted to the firm. At the commencement of the Revolution this was one of the largest commercial houses in the country, yet, notwithstanding the great sacrifice which such a course of conduct must produce, they cheerfully concurred in the meas-

ures taken against importation and the Stamp Act.

Mr. Morris was elected to a seat in the second Continental Congress, and became a member of all the committees on maritime and financial affairs, being a special commissioner to negotiate bills of exchange, and otherwise procure money for the government.

On the 1st of July, 1776, he voted against, and on the 4th, refused to vote at all, for the Declaration, considering the action as premature, but having been reelected to Congress he formally affixed his name to the document the August following. His labors now became arduous, and so confident was he of the final success of the cause, that he did not hesitate to borrow large sums of money on his own credit, with which he materially assisted the half-clothed and half-starved band of Washington, when he crossed the Delaware and won the victory of Trenton.

In 1780 Mr. Morris, assisted by several other prominent citizens, established a bank for the purpose of issuing bills that would receive the confidence of the public, as the government issues were almost worthless, and the funds in the treasury very low.

On the 20th of February, 1781, he was unanimously appointed superintendent of the public finances, and subsequently the entire control of the government moneys was placed in his hands. One of his first and most beneficial measures was the establishment of the Bank of North America, which was incorporated by Congress December 31, 1781, and went into operation early the next year, with a capital of \$400,000. The notes of this institution were declared receivable for the payment of duties and taxes in the United States.

Being possessed of an ample fortune and unbounded credit, he rendered the government eminent service by repeatedly raising, on his own private responsibility, large sums for its

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

maintenance, so that he had finally issued his own notes to the amount of \$1,400,000, which were subsequently all paid. Indeed, so indispensable was he to the carrying on of the war, that, but for him, the surrender of Cornwallis would never have taken place, but in its stead would have been the laying down of arms by the Americans, through the lack of means actually necessary for prosecuting the campaign.

As no other inducement than a desire to assist his country, in her earnest endeavors to free herself from British tyranny, could have influenced him to accept the office of superintendent of finance, now that there was no further use, after the conclusion of peace, for his services, he tendered his resignation, which Congress refused to accept, but he finally withdrew in November, 1784. Added to his onerous duties while holding this office, were those connected with the agency of marine affairs, which Congress had decided should devolve upon the superintendent of finance.

In 1786 he allowed himself to take a seat in the Pennsylvania Legislature, in order to obtain a renewal of the charter of the North American Bank. In the selection of his cabinet, Washington was particularly desirous of obtaining Robert Morris's services as Secretary of the Treasury, but he declined the honor, and proposed Alexander Hamilton in his place.

In 1787 he was made a member of the Convention which framed the Constitution of the United States. In 1788 the General Assembly of Pennsylvania appointed him a United States senator, which position he filled with honor to himself and benefit to the country. He retired to private life at the expiration of his term. His fortune had been greatly diminished by his meeting, from his own private purse, many government obligations, and having embarked most of the residue in an unfortunate speculation in wild lands, purchased with the expectation that a tide of emigration would set in, he became

much embarrassed, which seriously affected his mind. He was one among the first to engage in the East India and China trade, and was also the first to attempt to effect what is termed an out-of-season passage. His death occurred on the 8th of May, 1806.

BENJAMIN RUSH.

PENNSYLVANIA.

DOCTOR BENJAMIN RUSH was born on the 24th of December, 1745. His father dying when he was only six, the care of his education devolved upon his mother, who was anxious to give him a liberal education, but as her means were too limited, she sold her land and moved to Philadelphia, and commenced some commercial business. Her wishes were gratified, as after having received a thorough preparation he entered Princeton-College, where he graduated at the age of sixteen.

The study of the law was his own choice, but by the advice of his former preceptor he commenced that of medicine. In 1766 he went to Edinburgh, where he spent two years attending lectures. The next winter he spent in London, and in the spring went to Paris. He returned to this country greatly improved, and so rapidly did he gain in reputation that before he had been in practice a year he was called in consultation by some of the most distinguished physicians. His kind and unwearied attention to the poor made him very popular with that class, and his polished manners made him a favorite with the rich. His reputation as a teacher became so great that students flocked to him from all parts of the United States.

Doctor Rush espoused the colonial cause immediately after his return to America, and proved a powerful aid. He was solicited to

take a seat in the Continental Congress of 1775, but declined; but when, in 1776, some of the Pennsylvania delegates refused to vote for independence and withdrew, he was elected to fill one of them, and feeling that duty now pointed that way he accepted the office.

In 1777 Congress appointed him physician general to the military hospitals, in which he was of great service. In 1787 he was a member of the Convention of Pennsylvania for the adoption of the Federal Constitution. He was appointed president of the mint in 1788, which office he held for fourteen years.

He took a deep interest in the many private associations for the advancement of civilization and humanity, and was an honorary member of many of the celebrated literary institutions of Europe. He also received many valuable presents from the different sovereigns of Europe for important discoveries in medical science. He filled the chair of professor of chemistry in the Philadelphia College in 1769, and also that of theory and practice of medicine in 1789.

Doctor Rush's characteristics shone brightest during the time when the yellow fever raged so violently in 1793. The usual method of treatment utterly failed of success, but a new one introduced by him produced such wonderful results that he was soon overwhelmed with practice. Even while at his meals his house was filled with persons, chiefly the poor, desiring his attendance, and even while riding, his horse was frequently stopped, and his hours of rest were sadly encroached upon. Worn out by such constant activity of body and mind, he fell an easy victim to the disease, which nearly cost him his life. The death of this patriot and sincere Christian occurred on the 19th of April, 1813. During his illness crowds flocked to his house, so greatly was he beloved by all.

BENJAMIN FRANKLIN.

PENNSYLVANIA.

THIS remarkable personage was born in Boston, January 17, 1706. His father emigrated to this country in 1682, and shortly after his arrival married a Miss Folger, and set up in business as a tallow chandler, which occupation he followed during the rest of his life.

Benjamin's education was commenced with a view to his being a minister, but his parents' scanty means not being sufficient, he was kept at a common school a few years, and then went to work with his father. But this not being to his taste, he was apprenticed, on probation, to a cutler, but the fee charged was more than his father could afford, and he was removed from this also. He then entered the office of one of his brothers, who was a printer, where he attained a considerable degree of proficiency, applying himself in his leisure moments to earnest study, instead of the amusements usual to those of his age.

At length a difficulty having arisen between himself and his brother, he left his employ and went to New York, where he hoped to find work, but failing in this he proceeded to Philadelphia. He attracted considerable attention on his first appearance in this city, friendless, and with only a dollar in his pocket. Having bought three loaves of bread, one of which he ate and the others he placed under his arm, he wandered about until he came to a Quaker meeting-house, which he entered, and slept soundly until he was aroused by the congregation dispersing.

He was successful in obtaining a situation as compositor in a printing office, and soon won the confidence and respect of his employers. Having written to a friend an account of his journey, the letter was shown to Governor Keith, of Delaware, who was so much pleased with it that he invited Franklin to his resi-

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

dence, and offered him his patronage, and advised him to set up in business for himself. This step involved the necessity of a voyage to England to obtain materials; but when he arrived there he found the governor's assistance of so little avail that he was forced to go to work again for others. In his new situation he soon made many friends by pursuing the same course of conduct which characterized him at home. During his stay there he became somewhat tinctured with infidel sentiments, and wrote a pamphlet on deistical metaphysics,—a performance which he afterwards deeply regretted.

With his earnings he started to take a trip on the Continent, but having received an offer to return home as a clerk to a friend, he accepted it. With a new employer at Philadelphia, there was a bright prospect before him of wealth and fame, but his employer having died, he once more became a journeyman printer with his first master. But he soon entered into partnership with another printer, and rapidly rose in popularity, and success attended him on every side.

So numerous and varied were the occupations and pursuits of this wonderful character, that it would require a volume to notice them all and do him justice. In 1732 he began his celebrated *Poor Richard's Almanac*, which had an extensive circulation in the colonies and in England, and was translated into several of the European languages. The issue of this ceased about 1757, and at the same time he commenced a newspaper, which became very popular in this country. By indefatigable study he acquired a knowledge of the Latin, French, Spanish, and Italian languages. He started a literary club, called the *Junto*, and the books they collected are the basis of the *Philadelphian Library*. He was the author of many pamphlets on popular topics, which were much sought for by all classes of people, and which

greatly increased his pecuniary resources. In 1734 he was appointed government printer for the state, and two years afterwards he became clerk of the General Assembly. In 1737 he was made postmaster of Philadelphia. These offices bringing him in considerable money, the necessity for a close application to business was done away with, and he was left free to devote much of his attention to the study of philosophy and public improvement. He organized fire companies, invented means for paving the streets and lighting them with gas. Military discipline having been almost entirely neglected, he revived it, and also started several literary societies. He published a treatise on the improvement of chimneys, and invented the celebrated stove which bears his name.

In 1741 he published the "*General Magazine and Historical Chronicle for the British Plantations*," which was extensively circulated. In 1744 he was elected a member of the General Assembly, and was annually reelected for ten consecutive years, and before this time he had held the office of justice of the peace and alderman.

About this time he made his celebrated discoveries in philosophy, especially in electricity, completely identifying, in a novel and wonderful manner, lightning and the electrical spark. These discoveries alone would have made him famous, but, united with his varied achievements, have rendered his name immortal.

In 1753 he treated with the Indians at *Carlisle*, and in 1754 attended the Convention, at *Albany*, of delegates from the different colonies, who met to consult in regard to general defence against the French. About this time he became deputy postmaster general, and was active in providing material for Braddock's expedition against *Fort Du Quesne*.

In 1757 he was sent to London by the General Assembly, to manage a dispute between the province and its governor, and so admirably

did he conduct it that, on his return to this country, he received twenty thousand dollars as compensation for his valuable services. He remained as agent in England for the colony during five years, and formed many valuable acquaintances there. In 1764 he was sent again on much the same business, and when, during his stay there the Stamp Act was passed, declared loudly against its injustice. His opinions weighed much, and averted for a time the storm which finally burst upon the colonies. He returned home in 1775, as he became satisfied that war was unavoidable, and was immediately made a delegate to the General Congress, to which he was reëlected in 1776, and was one of the committee appointed to draft the Declaration of Independence. In September of that year he was appointed one of three commissioners to meet Lord Howe on Staten Island, and hear his proposals for peace. This was unsuccessful, and the war began.

Shortly afterwards a Convention was called in Pennsylvania to organize a state government, in pursuance of a recommendation of the General Congress. Franklin was made the president, and his superior wisdom and judgment were displayed in the constitution which was framed.

Perhaps the most important office held by Franklin was that of commissioner to France, to which he was appointed by Congress in October, 1776, to negotiate a treaty of alliance. He was received with great honor in that country, and the sympathy of the people with the suffering Americans was assured to him; but the court of France hardly dared to make a treaty, until the news of Burgoyne's capture was received, when every thing promising security, they signified their desire of entering into a formal negotiation. The treaty was finally concluded, and was signed by Franklin and the French ministers in February, 1778. The independence of America was acknowledged,

and France openly espoused her cause. Congress bestowed upon him almost unlimited power, and although his duties were difficult and complicated, yet they were most satisfactorily discharged.

In September, 1783, Franklin had the pleasure of signing the treaty of peace and recognition with Great Britain. He remained abroad until the arrival of his successor, Thomas Jefferson, in 1785. His return to this country was every where hailed with the most lively demonstrations of joy from individuals of every class, and from nearly every public body in the country. Notwithstanding the great age to which he had attained, being then nearly eighty, he was not allowed to retire to private life, but served in the capacity of President of Pennsylvania, which office he held for the space of three years.

In 1787 he was a member of the Convention which framed the Constitution of the United States. But disease had made such inroads upon his system that he relinquished his position as a public character, and retired to private life.

His death occurred on the 17th of April, 1790. The sad news was heard with profound sorrow wherever his name was known, and Congress proclaimed a season of universal mourning for his loss. In the National Assembly of France public notice was given of his death, and a brief eulogium was pronounced by Mirabeau. A vast concourse of citizens followed his body to the grave, thus testifying to the regard which every one felt for his memory.

JOHN MORTON.

PENNSYLVANIA.

JOHN MORTON was born in Ridley, Pennsylvania, in 1724. His parents, who were of Swedish

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

descent, emigrated to America early in the seventeenth century, and settled on the Delaware, not far from Philadelphia. His father dying before his birth, his education was intrusted to the care of his stepfather, who, being a good practical surveyor, paid particular attention to mathematics, and also to the more common branches.

The first official position that he held was that of justice of peace in 1764, and he was not long afterwards chosen a member of the General Assembly of Pennsylvania, where his services were very valuable, and of which body he was speaker for a number of years.

He was also a delegate to the Stamp-Act Congress in 1765, and in the following year was made high sheriff of his county.

He eagerly espoused the patriots' cause, and when troops were first raised was offered a commission, but was obliged to refuse on account of his duties, which he felt unable to relinquish. He was at this time holding the office of judge of the Court of Common Pleas, and not long afterwards was advanced to a similar position in the Supreme Court.

In 1774 the Assembly of Pennsylvania appointed him a delegate to the General Congress, and reëlected him four times in succession. During his connection with this body his duties were faithfully discharged, though many were arduous ones. He served on many committees, and among others on that which reported the Articles of Confederation for the States.

His death occurred in April, 1777, in the fifty-fourth year of his age, before peace and the independence which he had so warmly espoused, were established.

GEORGE CLYMER.

PENNSYLVANIA.

THIS earnest patriot was born in Philadelphia in 1739. His father left him an orphan at the age of seven, when his maternal uncle, William Coleman, gave him a good education, and eventually bequeathed him the greater part of his fortune. Upon leaving school he entered his uncle's counting house, but spent much of his leisure in study. In 1765 he married Miss Elizabeth Meredith, and joined the commercial house of his father-in-law.

His first appearance in political affairs was in October 16, 1773, as speaker at a "tea meeting," held in Philadelphia by the citizens, where his opposition was so spirited that he was appointed chairman of the committee which requested the tea agents to resign. During the next twenty years Clymer was a prominent man, being a member of many of the preliminary committees, and of the council of safety. He commanded a company, under General Cadwallader, performing but little military duty, however, being of more service in a civil capacity. He was appointed to the care of the public treasury on July 29, 1775, together with Michael Hillegas, and here proved his sincere belief in the future, by converting all his specie into continental currency, liberally subscribing also to the loan.

July 20, 1776, Clymer was appointed one of those who succeeded the members of the Pennsylvania delegation who had refused to subscribe their names to the Declaration of Independence. The new members affixed their signatures, Clymer's being the thirty-eighth name after John Hancock's. In September of the same year he was one of the committee sent to Ticonderoga to confer with Washington on affairs of the army. In December he was among the commissioners left in Philadelphia to guard the public

interests on the retirement of Congress to Baltimore. The following year he was reëlected to Congress, and again sent to consult with Washington, and having removed his family to Chester county, had his home plundered by the British at the battle of Brandywine. In 1777 he was appointed, together with Colonel Samuel Washington and Gabriel Jones, to treat with the Indians at Fort Pitt; but failing, returned, after an absence of four months, and recommended compulsory measures.

In 1780 Clymer was a third time elected to Congress. In November, of the same year, he was deputed, with John Nixon, to organize the Bank of North America, and in 1782 was associated with Rutledge in his mission to the Southern States. At the close of the war he removed to Princeton, where he was only permitted to enjoy his retirement for a short time, being elected a member of the Pennsylvania legislature against the party who supported the old constitution. He here did good service by his successful efforts to modify the cruelty of the criminal code. Besides other institutions indebted to him, were the Pennsylvania Agricultural Society, of which he was vice-president; the Academy of Fine Arts and Pennsylvania Bank, of both of which institutions he was also president. Clymer was a member of the Convention which framed the Federal Constitution, and was elected a member of the first Congress under that instrument, in November, 1788. He declined a reëlection in 1790, and the following year was appointed collector of the excise duty on spirits, which collection led to whiskey riots in Pennsylvania. Clymer acted firmly and temperately in these troubles, but finally resigned it, and was appointed one of three to negotiate a treaty with the Cherokees and Creeks in Georgia. Completing this work in 1796, he withdrew from public affairs, and died at the residence of his son, at Morrisville, Pennsylvania, July 23, 1813.

In person George Clymer was of medium stature, fair complexion, and attractive countenance, with marked expression in harmony with his character, which was honest, frank, and republican. He was a man extremely averse to the assumptions of aristocracy, which he thought abounded more in the United States than in any other country. He seldom spoke in public, but when he did he expressed himself in keen, pithy, and laconic language.

JAMES SMITH.

PENNSYLVANIA.

THE birthplace of JAMES SMITH was Ireland, but the time of his birth was never ascertained with certainty. It probably occurred about the year 1720. His father emigrated to this country when James was quite small, and settled on the Susquehanna. Early in life he discovered a strong intellect, and was liberally educated at Philadelphia College. Upon his graduation he studied law, and after having been admitted to the bar, set up for himself in Shippensburg as a lawyer and surveyor, but finding the place too much of a wilderness for extensive practice removed to York.

He early perceived the storm which threatened the annihilation of the colonies, but fearlessly withstood it. In 1774 he was present at a meeting of delegates from all the counties of Pennsylvania for the purpose of expressing the public mind on the Non-importation Act, and the propriety of calling a General Congress. He endeavored to arouse the people, and was in favor of independence as early as 1774; but the State of Pennsylvania was slow to adopt his sentiments, and even gave her delegates adverse instructions, but she finally saw good reason to alter her mind, and sent Mr. Smith, with several others, to fill the vacancies caused

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

by the withdrawal of some who would not vote for the Declaration.

He was a member of the Convention of Pennsylvania which assembled in July to establish a new State Constitution. In this he was very active, and it was not till October, 1776, that he took his seat regularly in Congress. He was soon after appointed one of a most important committee to aid Washington in repelling General Howe. They were provided with almost unlimited power, and were the chief originators of many of the military movements.

In the spring of 1777 he declined a reëlection to Congress, but the disastrous defeats of the Americans at Brandywine and Germantown, and the capture of Philadelphia, rendered his presence with that deliberative body necessary. When, in 1778, the battle of Monmouth retrieved the fallen fortunes of the colonists, he dissolved his connection with it, and retired to private life. In 1779 he served one term in his State Legislature, which terminated his public career.

His death occurred on the 11th of July, 1806, at the advanced age of nearly ninety. In manner, Mr. Smith was quite eccentric, but he possessed a ready wit, joined to a genial humor, which made him a great favorite in the social circle.

GEORGE TAYLOR.

PENNSYLVANIA.

GEORGE TAYLOR was born in Ireland, in 1716, and came to this country when he was about twenty. Upon his arrival here he was so poor that he was obliged to perform menial service, although he had been well educated. He afterwards filled the situation of clerk in an iron establishment in Durham, Pennsylvania. After the death of his employer he married his widow, and thus became possessed of considerable

property and a flourishing business. When he had carried this on for some time, and had accumulated considerable wealth, he purchased a fine estate on the Lehigh, and erected iron works there.

His position in society, joined to a suavity of manner, procured for him a seat in the Colonial Assembly in 1764. He soon became a prominent member, and was placed upon many of the most important committees. It was during his connection with this body that a letter was received from Massachusetts calling for a general convention at New York in 1765. The invitation was accepted, and Mr. Taylor was appointed to prepare instructions for the delegates from his state.

He retained his seat in the Assembly five years, when he withdrew that he might attend to his private affairs, which he had been obliged to neglect in the discharge of his public duties. He was elected to the Provincial Congress in 1775, and was also appointed on the committee to make regulations to govern the delegates to the General Congress. These instructions contained one that forbade the delegates to vote for any proposition of independence, as hopes of a reconciliation were still entertained. But public opinion on this subject changed as matters grew worse, and the restriction was removed in June, 1776; still, many of the members adhered to the old course of action. Mr. Taylor was sent to fill the place of one of them, and remained in Congress a year, when he retired to Easton. He died on the 23d of February, 1781.

JAMES WILSON.

PENNSYLVANIA.

THIS patriot was born in Scotland, in 1742. His father was a respectable farmer, and he placed his son under the tuition of some of the

best teachers in Edinburgh. He came to this country in 1766, so highly recommended that he found but little difficulty in obtaining a situation as a tutor in the Philadelphia College, where he soon gained the reputation of a fine classical scholar. After a few months' teaching he commenced the study of law in the office of John Dickinson, and was admitted to the bar, and finally established himself at Philadelphia.

He gained great renown as a lawyer, and also as a warm adherent of the republican cause. The zeal which he showed for the interests of his adopted home caused him to be elected to the Provincial Assembly of Pennsylvania in 1774, and in May, 1775, he was deputed to attend the General Congress. He was reëlected in 1776, and showed himself a strong friend of independence, but was opposed in his efforts for its success by several of the members of his own state.

Party spirit running high about this time, his people did not send him to Congress from 1777 until 1782. Although thus unkindly returned to private life, he still continued his efforts for the public good. He labored untiringly, in connection with Mr. Smith, in organizing a volunteer body of militia, and was appointed colonel of a regiment in 1774.

In 1777 he was sent on a commission to the Indians in his state, with whom difficulties had arisen, which he settled amicably. As soon as France had declared herself for America, in 1778, she sent a minister to Congress, a Monsieur Gerard, who soon formed an acquaintance with Mr. Wilson. He was struck with the versatility of his talents, and appointed him advocate-general of French affairs,—a duty both arduous and delicate. He served in this capacity until 1782, when he relinquished the office on account of difficulty respecting remuneration.

Mr. Wilson resumed his connection with

Congress in 1783, and during that year was commissioned by the government of Pennsylvania to assist in settling the difficulty between that state and Connecticut in regard to the title to the Wyoming Valley. He was again sent to Congress in 1785, and in 1787 assisted in framing the Federal Constitution. He was chosen as orator on the occasion of its adoption, and was one of those who altered his state's constitution to conform with the general one.

He received the appointment of professor of law in the College of Philadelphia in 1790, and in the year following commenced revising the laws of the state; but the senate refusing to concur with the representatives in this undertaking, he abandoned his work. Washington conferred upon him the office of judge of the Supreme Court of the United States, and he died while at Edenton, August 28, 1798, as he was making a judicial circuit.

GEORGE ROSS.

PENNSYLVANIA.

GEORGE ROSS was born in Newcastle, Delaware, during the year 1730. His father, an Episcopal minister, gave him an excellent education, and he exhibited great proficiency in the classics. He commenced the study of the law at the age of eighteen, at his brother's office, and was admitted to the bar three years afterwards, and fixed his residence at Lancaster, Pennsylvania.

In 1768 he began his public career as a member of the Pennsylvania Assembly, with which he retained his connection for several successive years. When the British government, jealous of the rising power of the colonies, endeavored to crush them by oppressive and unjust regulations, Mr. Ross heartily approved of resistance, and joined in the universal

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

desire for a General Congress. In 1774 he was elected to this body, and was instructed to draw up rules by which himself and his colleagues were to be governed. He was so highly esteemed that he was continually returned until 1777, when indisposition obliged him to withdraw, on which occasion the citizens of Lancaster voted him a piece of plate.

His warmest sympathies were always enlisted on the side of suffering, and he put forth earnest endeavors to ameliorate the condition of the Indians, and prevent any outbreaks among them. In April, 1799 he was made a judge of the Admiralty Court for Pennsylvania, in which position he bid fair to greatly distinguish himself, but a sudden attack of the gout terminated his useful life in July, 1780.

CÆSAR RODNEY.

DELAWARE.

CÆSAR RODNEY was born in Dover, Delaware, in 1730. His father came to this country about the same time as William Penn, and, after a short residence in Pennsylvania, settled in Delaware. Cæsar, being the eldest, inherited his father's estate and high social standing. At the age of twenty-eight he was made high sheriff, and upon the expiration of his services in this capacity, he was created a justice of the peace, and a judge of the lower courts.

He represented his county in the Provincial Legislature in 1762, by which he was sent, in 1765, to the "Stamp Act Congress," which met in New York, when the British, by their numerous unjust measures, laid a yoke upon the colonies too grievous to be borne. He was elected speaker of the Provincial Assembly, and occupied that position until 1774, at the same time being chairman of the committee

whose business it was to carry on a political correspondence with the colonies.

He was elected to the first General Congress in 1774, and assisted in drawing up a declaration of rights. In the following year he was reelected, and was also commissioned brigadier-general. When the question of the Declaration of Independence came before Congress he was absent, attending to the duties devolving upon him in his military capacity, but his colleagues, knowing his feelings on the subject, despatched messengers at their own expense to bring Mr. Rodney back as soon as possible. He arrived just in time to cast his vote and sign his name to the document.

In the fall of 1776 the people of Delaware called a convention to frame a state constitution and nominate delegates to the next General Congress. By the influence of the loyalist party, which was too well represented in the state, he was deprived of the honor, which properly belonged to him, of a reelection, but he employed his time in obtaining material aid for the troops of his state then with Washington in New Jersey.

After the battle of Princeton, in 1777, he went to the camp there, and spent two months recruiting, but then, his services being no longer necessary, came home. Shortly after his return he received the appointment of judge of the Supreme Court, but this he declined, as he had a greater relish for the more active duties of military life. He was afterwards called to march, with his brigade, to quell an insurrection in his state, and also to join the main army under Washington when Lord Howe turned his troops towards Philadelphia.

The tory element at length having subsided, General Rodney was returned to Congress, but before taking his seat was chosen president of the state, and fulfilled the arduous duties connected with it in a worthy manner, effectually repressing all tendencies to anarchy which dis-

played themselves. In 1782 his gradually declining health caused him to retire from office, and he expired early in 1783.

GEORGE READ.

DELAWARE.

GEORGE READ was born in Maryland, in the year 1734. He was of Irish descent, his father having emigrated to this country about 1726. The latter educated his son in the common English branches himself, and then placed him in the hands of good teachers, with whom he made much progress in the classics.

George commenced studying law at Philadelphia when he was only seventeen, and was admitted to the bar two years after. An act of generosity which he performed at that time deserves notice. According to the established laws he was entitled to two shares in his father's estate, but he relinquished his rights to his brothers, considering that he had already received his share in his education. In 1754 he commenced the practice of his profession at Newcastle, Delaware, where, although he was surrounded by lawyers of eminence, he soon rose to a level with them.

In 1763 he was appointed attorney-general for the three lower counties of Delaware, which office he held until he was elected a delegate to the Continental Congress in 1774. In 1765 he was made a member of the General Assembly of his state, and continued his connection with it for eleven consecutive years. He was one of a committee from this body appointed to draw up an address to the King in behalf of the provinces at the time of the passage of the Stamp Act. But he felt that remonstrance from the colonies singly would have but little effect, and believing that "in union there is strength," he advocated a general meeting of all the colonies.

He also strenuously opposed commercial intercourse with the British. When Boston suffered so severely under the crushing weight of the Port Bill, Mr. Read was very active in transmitting donations and procuring pecuniary aid for its inhabitants.

In 1774 he was deputed to attend the session of the Continental Congress, and also in 1775 and 1776. When the vote was taken for the Declaration of Independence, he gave his in opposition to it, deeming the act as premature, but when the time came for signing the instrument he affixed his signature to it. During the latter year he was the president of the Convention which framed a state constitution for Delaware.

In 1779 ill health compelled him to withdraw from public life, but he returned to it the next year. In 1782 he was made a judge of the Court of Appeals in Admiralty Cases, and retained this position during the existence of the office. In 1785 he assisted in settling a disputed point about the territory between Massachusetts and New York. In 1787 he was a representative of his state in the Convention for framing the Federal Constitution, and on its adoption was elected a member of the United States Senate, and occupied a place there until 1793, when he became judge of the Supreme Court of his state. This office he filled till his death in the fall of 1798.

THOMAS McKEAN.

DELAWARE.

THOMAS McKEAN was born in New London, Chester county, Pennsylvania, on the 19th of March, 1734. At the conclusion of his studies with the Rev. Dr. Allison, under whose care he was placed, he began the study of the law, where his talents soon manifested themselves,

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

and he was employed as assistant clerk of the Court of Common Pleas. He was admitted to the bar when twenty-one years of age, and permitted to practise in three counties of Delaware. He soon became eminent in his profession, attracting the attention of many leading men.

When only twenty-two years of age, the attorney-general of the province appointed him, without solicitation, his deputy to prosecute all claims for the crown in the county of Sussex. In 1757 he was admitted to practise in the Supreme Court of Pennsylvania, and about the same time was elected clerk of the House of Assembly of Delaware; he declined another election the following year, however. In 1762 he was appointed, together with Cæsar Rodney, to revise and print the laws of the province which had been enacted during the preceding ten years.

He was next elected a representative to the General Assembly from Newcastle, although he had resided in Philadelphia for six years, but at his urgent request he was permitted to relinquish his seat. A committee was appointed to call upon him and request him to nominate seven men for representatives; he finally acceded to their desires, and they were elected by large majorities. In 1765 he became a member of the Pennsylvania Assembly, to which he was annually elected for the next seventeen years. In 1765 he was a delegate to the General Congress of the colonies assembled at New York, and was placed upon the committee who prepared an address to the British House of Commons. In the same year he was also appointed sole notary public for the "lower counties on the Delaware," and afterwards, in quick succession, justice of the peace, judge of the Court of Common Pleas and Quarter Sessions, also of the Orphan Court.

In 1766 he was admitted by the governor of New Jersey to practise in any of its courts. In 1771 he was appointed collector of the cus-

toms for the port of Newcastle, and elected speaker of the Assembly of Delaware the next year. In September, 1774, he attended the first Continental Congress, being delegate from the lower counties in Delaware, and continued a delegate until the ratification of the treaty of peace in 1783, being the only member who served during the whole revolutionary period uninterruptedly. He ardently supported the measure which led finally to the Declaration of Independence, and voted for and signed that instrument.

In September, 1776, he was appointed a member of the convention to form a state constitution, although he then commanded a regiment under Washington. This instrument, which was adopted by a unanimous vote, was the production of his pen. McKean, claimed as citizen by both Delaware and Pennsylvania, served both, filling offices in each state, officiating as president of the former and chief justice of the latter in 1777. In 1781 he was appointed president of Congress in place of Mr. Huntington of Connecticut, resigning that position in November, receiving the thanks of Congress for his able services. McKean retained the office of chief justice of Pennsylvania until 1799, when, being chosen governor, he retired from the bench. His administration continued until 1808, when he withdrew from public life, and died on the 24th of June, 1817, when eighty-four years of age.

SAMUEL CHASE.

MARYLAND.

SAMUEL CHASE was born in Somerset county, Maryland, April 17, 1741. His early education was directed by his father, an Episcopal clergyman, of English birth, who sent him to Annapolis, where he applied himself to the study of the law, and was admitted to the bar at twenty

years of age, soon becoming noted as a skilful and eloquent advocate and learned lawyer. He strongly opposed the royal governor and his adherents in the colonial legislature, and was one of the most vehement in resisting the Stamp Act, becoming the leader of the friends of liberty in his state.

Mr. Chase was one of the five delegates sent by the Maryland convention to the Continental Congress in 1774, of which he continued a member during all the sessions until the end of the year 1788. He it was who denounced Rev. Dr. Zubley of Georgia as a traitor, compelling him to flee from Congress, the secrets of which body he was revealing to the enemy. In 1776 Chase accompanied Charles and John Carroll on a mission to Canada, all the more readily because the Maryland convention was inclined to half-way measures, and refused to instruct its delegates to vote for the Declaration of Independence. Upon his return he canvassed the state, brought public opinion to bear on the convention, and thus having caused the passage of the desired resolution, returned to Philadelphia in time to vote for independence. He was placed on the greater part of the important committees in Congress, where his industry was unwearied. During the last three years of the war he remained at home practising law, to the study of which he had devoted all his spare time while in Congress.

In 1783 he went to England as commissioner from Maryland, to recover funds invested in the Bank of England before the war. After remaining there a year, he succeeded so far in adjusting the claim that six hundred and fifty thousand dollars were afterwards paid to the state. Removing to Baltimore in 1788, he was appointed chief justice in a newly-established criminal court there, and in 1791 chief justice of the General Court of Maryland; between these two dates being a member of the Mary-

land convention for the consideration of the Federal Constitution, which instrument he did not think sufficiently democratic. In 1796 he was appointed associate justice of the Supreme Court by Washington, with whom he had long been on terms of intimacy. In 1804, at the instance of John Randolph, he was impeached by the House of Representatives for misdemeanor in the conduct of several political trials, particularly those of Fries and Callender, convicted of seditious libels five years previously. He was discharged, however, by the Senate, March 5, 1805, a majority being in his favor in five out of eight charges, and against him on the remainder. After his discharge, Judge Chase resumed his seat on the bench, which he occupied until his death, June 19, 1811. He was a pure patriot, a learned and able, though sometimes an overbearing judge, and a brave but rather irritable man.

THOMAS STONE.

MARYLAND.

THOMAS STONE was born in Maryland in the year 1743. After having received a fair classical education he studied law and commenced practice at Fredericton.

He attached himself to the colonial cause early in the Revolution from motives of pure patriotism and a love of justice, and was elected a delegate to the first session of the Continental Congress, but retired to private life upon its completion. He was returned in 1775, with the injunction, however, not to vote for independence. Thus fettered, Mr. Stone could not do justice to himself, but the restriction having been removed, he willingly subscribed his name to the document.

His unassuming disposition prevented him from being conspicuous as a public character,

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

but he rendered an important service in being one of the committee who drew up the Articles of Confederation, adopted November, 1777.

He refused a reëlection to Congress, but took a seat in the Maryland Legislature. In 1783 he was again sent to Congress, and was present when Washington resigned his commission. In 1784 he was appointed president, *pro tempore*, of that body, and had it not been for his modesty he would doubtless have been elected to that important situation. He died at his residence, Port Tobacco, on the 5th of October, 1787, as he was on the point of embarking for Europe.

WILLIAM PACA.

MARYLAND.

WILLIAM PACA was the second son of a wealthy planter of Maryland, where he was born on the 31st of October, 1740. He was carefully educated when young, and graduated at Philadelphia College in 1759. He then commenced studying law, and after having been admitted to the bar settled at Annapolis.

He was made a member of the Provincial Assembly, and when the Stamp Act aroused the people, in 1765, to the danger of their situation, he warmly opposed it. This conduct, as well as many subsequent acts of his, endeared him to the people, although it rendered him unpopular to the royal party. He was made a member of the first Continental Congress, with full instructions to accede to all measures necessary to redress the grievances of the colonies. He was successively reëlected until 1778, when he was appointed chief justice of the Supreme Court of his state.

While serving in Congress he was much trammelled by the opposition of his constituents to independence, who, as late as the early part of 1776, passed a resolution forbidding the

delegates to vote for it, but finally withdrew their restrictions. Thus freed, he continued his previous efforts in behalf of the colonies, and joyfully signed his name on the 2d of August, 1776.

Near the commencement of 1778 he received the appointment of chief justice of his state, and two years afterwards was made by Congress chief judge of Appeals in Prize and Admiralty Cases. In 1782 he was chosen governor of Maryland, after holding which office he retired to private life, but again filled the position in 1786, as well as serving a short time in Congress. In 1788 he was a member of the Convention called together to ratify the Federal Constitution, and after it had gone into effect Washington nominated him judge of the Maryland district. He held this office till his death in 1799.

CHARLES CARROLL.

MARYLAND.

CHARLES CARROLL of Carrollton was born at Annapolis, Maryland, September 20, 1737. His parents being of the Roman Catholic faith, his father took him to France, where he placed him at the college of English Jesuits, at St. Omer, when he was eight years of age, where he remained six years, afterwards going to a Jesuit college at Rheims. Remaining here a year, he entered the college of Louis le Grand, where he graduated at the age of seventeen, then beginning the study of law at Bourges. He remained here one year, thence proceeding to Paris, where he continued two years, and then repaired to London, and took apartments in the Temple. He remained here until 1765, when he returned to Maryland a finished scholar and gentleman, and in 1768 married Mary Darnell. He was heir to a vast estate, the last of the manorial grants of Maryland, and was

considered the wealthiest man in the colonies at the time the revolutionary war broke out.

After his return, the passage of the Stamp Act first drew his particular attention towards political affairs, of which for some time he had been an interested spectator. He immediately espoused the American cause, and took an active part in the various patriotic movements of the times. Carroll became particularly distinguished as a political writer; and in 1771-72 his name became well known as such in the other colonies. In 1772 he wrote a series of essays against the right of the British government to tax the colonies without their consent; which was ably written, and emphatically triumphed over the papers written in opposition by the secretary of the colony. The name of the author was at first unknown, but the people were so grateful for the able defence of their cause, that they instructed the members of the Legislative Assembly of Maryland to return their sincere thanks to the unknown writer through the public prints. When it became known that Charles Carroll was the author, large numbers expressed their thanks personally, and he immediately stood high in popular confidence and esteem. His clear judgment and decided character made him umpire in several momentous cases, and he rose higher and higher in popular favor.

Carroll was appointed a member of the first committee of safety of Maryland, and in 1775 a member of the Provincial Assembly. Carroll early foresaw that the colonists would be obliged to resort to arms to defend their rights; and his sentiments, well known to be in favor of independence, were probably the cause of his not being sooner sent to the General Congress, as the Maryland convention were opposed to extreme measures. Anxious to witness the proceedings of the Continental Congress, he visited Philadelphia in 1776, and was so favorably known there that he, with Dr.

Franklin and Judge Chase, were chosen to visit Canada, to induce the Canadians to unite with the colonists. On his return from this mission in June, 1776, Carroll found the Declaration of Independence under discussion, and hastened to resume his seat at Annapolis, to use his influence to remove the instructions with which the delegates of Maryland were shackled. Together with Judge Chase he worked with persevering and untiring industry, and finally succeeded; when, having been elected a member of the Continental Congress, he returned to Philadelphia, with instructions to the delegates to vote according to their judgment. He arrived on the 8th of July, in season to affix his signature to the parchment, to which he added his place of residence, in order that he might be the sufferer in case punishment fell upon the heads of the patriots, as he had a cousin of the same name.

Ten days after taking his seat in Congress Carroll was placed upon the Board of War, of which he remained a member during his continuance in that body. In the latter part of 1776 he was appointed a member of the convention that framed a constitution for the state of Maryland, and in December after its adoption, was elected a member of the state senate. Carroll continued a member of Congress until 1788, when he relinquished his seat, and devoted himself to the affairs of his native state. In 1781 and 1786 he was reelected to the Maryland senate, and in December, 1788, he was chosen a member of the first United States Senate from Maryland. He was again elected to the Maryland senate in 1797, and in 1799 was appointed one of the commissioners to settle the boundary between Virginia and Maryland.

In 1810 Carroll retired to private life, devoting himself to the management of his estate, where his society was eagerly sought, being a man of cultivated mind, pleasing manners,

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

proverbial hospitality, and liberal in all his views. When Carroll had passed the advanced age of ninety, on the 4th of July, 1828, he laid the corner stone of the Baltimore and Ohio Railroad, in the presence of an immense number of spectators, and attended by one of the most imposing civic processions ever seen in the United States. Carroll was spared for several years after, and died at Baltimore on the 14th day of November, 1832, in the ninety-sixth year of his age, and the last survivor of the signers of the Declaration of Independence.

GEORGE WYTHE.

VIRGINIA.

THIS earnest patriot was born in 1726, in Virginia. His parents being wealthy, he had every opportunity for acquiring a superior education. Both of them dying before he was of age, he was left to his own guidance, and the property left him was much more than sufficient for all his wants. He commenced a career of dissipation, from which he aroused himself at the age of thirty, to find ten of the most valuable years of his life wasted. Determined to retrieve his past misconduct, he applied himself earnestly to the study of law. He was admitted to the bar in 1757, and became distinguished for his talents and sense of right, as he would never knowingly undertake an unjust cause.

For several years previous to the Revolution he was a member of the Virginia House of Burgesses, and when the oppressive Stamp Act roused the ire of the people he showed himself a warm lover of liberty. In 1764 he drew up a remonstrance to the House of Commons, but in a strain too indignant to suit the colonists, who greatly modified it before it was sent.

In 1775 he was constituted a delegate to the Continental Congress at Philadelphia, and in connection with Thomas Jefferson and Edward Pendleton, revised the laws of Virginia; a duty which he performed with great success. In 1777 he was appointed speaker of the House of Delegates, and also a judge in the High Court of Chancery. When this was fully organized he was chosen sole judge, and occupied the bench for more than twenty years. For a while he was professor of law in the College of William and Mary, but was obliged to resign, as he found it conflicted with his other duties.

In 1787 Mr. Wythe was chosen to assist in the Convention which framed the Federal Constitution, and acted as chairman in most of the debates on the subject. He was also in the Assembly of Virginia, which met to consider its adoption, and was twice chosen United States Senator under its provisions. Notwithstanding the numerous draughts on his time, he taught a private school, for those who chose to attend it, free. His death, which was supposed to have been caused by poisoning, occurred on the 8th of June, 1800.

RICHARD HENRY LEE.

VIRGINIA.

RICHARD HENRY LEE, a descendant of one of the noblest families of Virginia, was born at Stratford, Westmoreland county, on the 20th day of January, 1732, within a short time, and only a few miles distant from the place, of the birth of Washington. After a course of private tuition at home, he was sent to England to be educated, according to the custom at that time. He was placed at Wakefield Academy, in Yorkshire, England, where he became a thoughtful and industrious student. Through ancient history, of which he was very fond, and of which he read eagerly all that came in

his way, he became imbued with republican ideas and attached to those principles of liberty which he afterwards upheld and contended for. He also became an excellent Latin and Greek scholar, laying the basis of his knowledge of the classics which afterwards so improved his oratory.

He returned to Virginia in his twentieth year, where he came into possession of a considerable estate. He immediately applied himself to literary pursuits; and, fond of athletic exercises, he was led to form a military corps, of which he was chosen commander. He first appeared in public life in 1755, on the arrival of Braddock from England on his expedition against Fort Du Quesne, when, upon offering his services as captain of a company of volunteers, they were haughtily refused by that general, and Lee was obliged to return home deeply mortified.

In 1757, when in the twenty-fifth year of his age, Lee was appointed justice of the peace by the royal governor, which at that time was an important and responsible office. This was a strong evidence of the public respect, and he did not forfeit the good opinion held of his talents, as his brother magistrates requested the governor to so date his commission that he might have legal precedence, and be able to act as president of the court. Lee was soon after elected a member of the House of Burgesses, and retained his seat there during two or three sessions, but was too diffident to take part in the debates.

Unfortunately for Lee, at the advice of a friend he was thoughtlessly induced to apply to England for the office of collector under the proposed Stamp Act. He soon discovered his mistake, however, and determinedly exerted all his influence in opposition to the government; and being accused by the Tories of trying to revenge himself on account of his disappointment, he soon found an opportunity to defend

himself, and succeeded in exculpating himself in the eyes of all but his enemies. He was placed upon a committee, by the House of Burgesses, to draw up an address to the King, a memorial to the Lords, and a remonstrance against taxation to the House of Commons, and selected to prepare two of the papers.

From this time Lee was ever on the alert for the cause of liberty, never failing to do every service in his power. In 1773 Lee was appointed on the first committee of correspondence, the plans of which committee he is said to have first suggested. He was cognizant of the secret movements and opinions of the British government, through his brother Arthur, who was a distinguished literary character in London, associating with the leading men. This was a great aid to him, as it furnished him with the earliest political intelligence, and generally so capable of being relied upon, that other committees of correspondence always credited information coming from the Virginia committee. He soon saw that no reconciliation could ever be effected, that nothing short of independence could arrest British oppression, and was therefore ready to propose it at a favorable opportunity.

In 1774 Lee was one of the delegates from Virginia to the first General Congress, which met at Philadelphia on the 5th of September, and where he made the second speech ever made in that assembly. He immediately took a leading position, and by his convincing eloquence, induced them to stand up boldly for their rights. He was placed upon all the most important committees, and as chairman of the committee to prepare addresses to the king, people of England, and the colonies, he reported the papers so highly praised. The address to the people of British America, which was one of the most masterly papers of the age, was written by Lee. Upon his return home at the close of the session, he was immediately elected

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

to the House of Burgesses, and reelected to the General Congress in 1775. Here he was again placed upon the most important committees, drawing up the commission and instructions of General Washington as commander in chief of the American army. He also prepared the second address of Congress to the people of Great Britain, which takes a front rank among American state papers.

Lee was also a member of Congress in 1776, when the House of Burgesses in Virginia having desired her delegates to propose to declare the colonies independent, he was requested to make the proposition, which was warmly seconded by John Adams. His speech upon introducing the resolution was one of the finest he ever delivered. The consideration of the resolution was made the special order of the day for the first Monday in July, and a committee appointed to draw up a Declaration of Independence, of which Lee would have been chosen chairman but for the severe sickness of his wife, in consequence of which the glory of the authorship was transferred to Thomas Jefferson, who was appointed chairman in his stead.

Lee continued an active and untiring member of Congress until 1779. From the time he entered Congress till the middle of 1777, he had served on nearly a hundred important committees, and in most cases acted as chairman, and performed the greater part of the necessary labor. In 1778 he served upon thirty-seven committees, although laboring under serious ill-health. He was occasionally absent from Congress in consequence of sickness, and once because he was charged with toryism, as he received his rents in produce instead of continental currency. He explained satisfactorily, however, that it was for the benefit of his tenants that such an arrangement was made, in an able defence before the Virginia Assembly, which resulted in a resolution of thanks "to

Richard Henry Lee for the faithful services he has rendered his country in the discharge of his duty as one of the delegates of this state in General Congress."

After leaving Congress in 1779, he remained in Virginia, where he sat in the Assembly, and during the next four years, as lieutenant of the county of Westmoreland, actively exerted himself to repel the enemy, who made incursions into the state. Lee was again elected to Congress in 1784, and by a unanimous vote was chosen president of that body. In 1786 and 1787 he was chosen to the Assembly of Virginia, and was again elected to Congress, and took a seat in that body in the latter year, and upon the adoption of the Federal Constitution was appointed one of the two first senators from Virginia, an office he retained until too infirm to take part longer in public life.

Lee was a man who, in every relation of life, maintained a character above reproach. He was twice married, and was a kind and affectionate husband and father. He was a sincere Christian, and was twice thanked by Episcopal conventions for the interest he manifested in their affairs, and his doors were ever open to the poor and destitute. He enjoyed through life the respect and gratitude of a nation, who truly mourned when, on the 19th of June, 1794, and in the sixty-fourth year of his age, he went to his last rest.

THOMAS JEFFERSON.

VIRGINIA.

THIS person, distinguished for the complete ascendancy which he acquired over the minds of men in every station of life, was born at Shadwell, in Virginia, on the 13th of April, 1743. His ancestors were among the earliest British emigrants to Virginia, coming from

JEFFERSON.

among the mountains of Wales, and his mother was of Scottish descent.

His father's death occurred when he was fourteen, and as he was the eldest of a family of eight, the fine estate of Monticello became his, where he always after that resided when not engaged in public duties, and where he died.

He entered a grammar school at the age of five, and commenced the study of the classics at the age of nine, under the care of the Rev. Mr. Douglas. Early in the year of 1760 he entered William and Mary College, where he studied for two years. He owed the direction which his mind received at that time towards mathematics and philosophy, to Dr. William Small, and the foundation of his future attainments in those sciences was then and there laid.

He then studied law in the office of George Wythe, another of the signers of the Declaration. During the prosecution of his studies in this office, in 1765, he heard the celebrated Patrick Henry deliver his famous denunciation against the Stamp Act, and at once became aware of the danger to which his country was exposed, and, animated by patriotic emotions, took his stand boldly for the colonists.

In 1769, in consequence of his sentiments, he was elected to the Virginia Legislature, and soon became popular there on account of his urgent though unsuccessful endeavors to procure the emancipation of slaves.

When, in 1773, the plan of correspondence between the colonies was carried out, he was very active, as one of the committee, with his pen, and in the next year his very able pamphlet, entitled "A Summary View of the Rights of British America," appeared. This production gave great offence to Lord Dunmore, the royal governor of Virginia, who threatened to arrest him for high treason, and attempted to dissolve the General Assembly because it sustained Jefferson, but failing in these efforts, he desisted from further action.

In 1775 Jefferson was elected a delegate to the Continental Congress, and served in this body with his wonted fidelity. Such was the confidence felt in his talents and ability, that although he was one of the youngest members, yet he was appointed chairman of the committee to draw up the Declaration of Independence. This instrument remains an imperishable monument to his memory, and furnishes us with a good idea of his talents and patriotism.

During the summer of 1776 he left Congress to take a seat in the Virginia Legislature, feeling that his services were needed more immediately at home. He was soon after appointed, with Dr. Franklin and Silas Deane, to go to France and negotiate terms of alliance, but was obliged to decline the honor, and remained in his own state till the close of the Revolution, rendering it important services.

From 1777 into 1779 he was engaged with George Wythe, and Edmund Pendleton in revising the laws of the state, and to him belongs the honor of proposing the laws forbidding the importation of slaves, annulling the rights of primogeniture, establishing schools for general education, and confirming freedom in religious opinion.

When the prisoners captured at Saratoga were sent to the different states to be provided for until the treaty between Gates and Burgoyne should be ratified, some were quartered near Jefferson's residence, and his sympathies being deeply enlisted in their behalf, he did all in his power to alleviate their sufferings. But provisions being scarce they were ordered out of the state, though Jefferson and his friends did all they could to have them retained.

In June, 1779, he succeeded Patrick Henry as governor of Virginia, and the latter portion of his administration was a period of both difficulty and danger. The state was threatened with raids from Arnold and his lawless bands

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

of followers. Richmond was partially destroyed, and the governor and his council barely escaped capture. He endeavored, but in vain, to obtain possession of the traitor.

He had another narrow escape when Tarleton attempted to seize the legislators who were in session at Charlottesville. He was arranging some matters at his own house, when he saw the cavalry ascending a hill towards his residence. Hastily mounting a swift horse, he dashed through the woods and escaped.

In 1782 he was appointed minister plenipotentiary to assist in negotiating a treaty with Great Britain, but the preliminaries having been arranged before he could make ready to take his departure, he did not go. He was not long after elected a delegate to Congress, and was the chairman of the committee who recommended the ratification of the treaty with Great Britain in 1783.

In 1784 he wrote an essay on coinage and currency, and introduced the convenient system of decimals. During the May of this year he was appointed, with Adams and Franklin, to negotiate treaties of commerce with foreign nations. The latter having obtained permission to return home from the French court, Jefferson succeeded him as minister in 1785, and remained there four years, where he acquired an enviable reputation among the learned men, and his society was much sought after.

During his absence Washington had been inaugurated President under the new Constitution; and upon his return home he was offered his choice of going back to France or accepting a seat in the presidential cabinet as secretary of state. This latter office he accepted, and rendered the President important services during the trying period of his first administration. He felt called upon to differ with Washington in regard to the rising revolution in France, but acquiesced with him on the subject of the neutrality of the United States.

But his bold avowal of democratic sentiments, and undisguised sympathy with the French in their struggles for liberty, caused him to become the head of the party opposed to the administration of Washington, and in 1793 he resigned his position in the cabinet.

In 1796 he became the republican candidate for the presidency in opposition to John Adams. The latter was chosen; and in accordance with one of the provisions of the Constitution as it then stood, that the candidate receiving the next highest number of votes should be Vice-President, Mr. Jefferson filled that office.

In 1800 he was again, with Mr. Adams, before the people as an aspirant for the presidential chair, and this time was successful. Aaron Burr was on the same ticket with him, and received an equal number of votes, whereupon a new balloting ensued, and on the thirty-sixth time two of Mr. Burr's friends withdrew, and Jefferson was elected.

His administration continued eight years, he being reelected for a second term. The most important events which transpired during this period were the purchase of Louisiana from France, by the payment of fifteen million dollars; the passage of the embargo act, which prohibited all American vessels from sailing for foreign ports, all foreign vessels from taking out cargoes, and requiring all coasting vessels to give bonds to land their cargoes in the United States; the non-intercourse and non-importation systems; the experiment of constructing gunboats to protect American harbors; the suppression of Burr's attempt to dissolve the Union; and the sending of an exploring company to the Rocky Mountain region, and then westward to the Pacific. He also introduced the custom of communicating with Congress by message instead of personally addressing it, a custom which has been handed down to the present day. The foreign relations of the United States were in a very perplexed condition,

but he brought them safely through all their troubles.

He retired to private life at the close of his presidential career, and spent the remainder of his days in the more quiet pursuits of agriculture and philosophy. Through his exertions a university was founded in 1818 at Charlottesville, near his residence, which he liberally endowed, and of which he was the rector.

Towards the end of his life his pecuniary affairs became so embarrassed that he was forced to sell his valuable private library to Congress for the sum of thirty thousand dollars, and this body also granted him the privilege of disposing of his fine estate by lottery, to prevent it from being seized by his creditors and sacrificed.

Early in the year 1826 his bodily health became so poor that he was obliged to cease exertion, and in the summer was confined to his bed. On the morning of the 4th of July he awoke, apparently no worse than on the preceding day, but he soon rapidly sunk, and at about noon his spirit passed away. It is a most singular coincidence that John Adams, who was associated with him in drawing up and signing the glorious Declaration just fifty years before, departed this life on the same day and hour with Jefferson. He endeared himself to the masses by his democratic sentiments, and in private life, to all who knew him, by his social virtues. In religion he was a freethinker, but his morality was unimpeachable.

BENJAMIN HARRISON.

VIRGINIA.

BENJAMIN HARRISON was born in Berkley, Charles City county, Virginia, about 1740. He was placed at the College of William and Mary, in order that he might obtain a thorough classical education, but disputing with one of the

professors, he left college before the close of his term, never returning to receive his degree. His father having died while he was at college, the management of the estate fell to him, although a minor, being the oldest of six sons, and he performed his duties with great fidelity and skill.

At an early age, in 1764, Harrison entered public life, becoming an influential member of the Virginia House of Burgesses, where he was soon elected speaker, and a seat in which body he held during the greater part of his life. When the agitation caused by the Stamp Act took place, the royal governor, desirous of keeping him on the side of the government, by reason of his wealth and distinguished connections, as well as personal worth, offered him a seat in the executive council. He rejected the offer, however, announcing his attachment to the cause of the colonists in opposition to British tyranny.

Harrison was one of the seven delegates first elected by Virginia to the Continental Congress in 1774. He was reelected in 1775, during the autumn of which year he was appointed on the committee to visit Washington at Cambridge, Massachusetts, and united with him in forming plans for the future. Towards the close of 1775 he was appointed chairman of a committee to carry on foreign correspondence, in which position he faithfully labored until the spring of 1777, when such a committee became no longer necessary. He warmly favored independence, voting for and signing the Declaration of Independence in 1776. He resigned his seat in Congress in 1777, to return to public affairs in his own state, as well as private affairs which demanded his attention. He was immediately chosen a member of the House of Burgesses, and occupied the speaker's chair in that assembly until 1782.

Having been appointed lieutenant of his native county, which appointment made him

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

not only commander of all the militia, with the title of colonel, but also presiding judge in all the civil courts in the county, he made himself active and useful in bringing the Virginia militia into some efficiency. In 1782 Harrison was chosen governor, managing affairs with great ability, and in 1785, having twice been reëlected, retired to private life. He almost immediately, however, resumed his seat as speaker in the House of Burgesses. In 1790 he was again nominated for governor, but declined. In April of the following year, having been elected to the gubernatorial chair, he invited a party of friends to dine. While dining he was seized with gout in the stomach, and died the following day. The lamented and respected William Henry Harrison, President of the United States, was a son of Benjamin Harrison.

THOMAS NELSON.

VIRGINIA.

THOMAS NELSON was born in Virginia, at Yorktown, December 26, 1738. His father was a wealthy merchant, and occupied a high position in society. In accordance with the custom among the opulent, he sent his son to England at the age of fourteen, to be educated. After completing his preparatory studies, he entered Trinity College, Cambridge, where he remained until 1761. He watched, with great anxiety, the struggle between England and America, and favored the latter.

In 1774 we find him a member of the Virginia House of Burgesses. It was during a session of that body that the resolutions passed on the "Boston Port Bill" so aroused the wrath of the royal governor that he dissolved the assembly, but many of the members met the next day at a tavern, and worked more effectively than before. He was also a member

of the convention which met at Williamsburg to nominate delegates to the Continental Congress.

In 1775 he took a part in another convention, and there proposed the bold plan of putting Virginia in a state of defence, which was accordingly done. In August, 1774, he was elected a delegate to the General Congress, in which he was very active, although he did not mingle much in the debates. He retained his position there during the year 1776, but in May, 1777, was obliged to withdraw, on account of a serious trouble in his head. When he recovered sufficiently to be of service to his country, he was appointed brigadier-general and commander in chief of the military forces of his state.

About this time the finances of the country were in such an embarrassed condition that Congress called for volunteers. Mr. Nelson raised a body of them, and proceeded at their head to assist Washington at Philadelphia. The out-door life consequent on the duties of the last few months so far restored his health as to enable him to resume his seat in Congress in 1779; but a recurrence of his old complaint compelled him to again relinquish his connection with that body. In May of that year the operations of the enemy on the coast called General Nelson again into the field.

In 1781 he succeeded Thomas Jefferson as governor of the state. The state of things was then most disheartening, and called for active and vigilant measures; but as the distracted condition of affairs prevented many of the members of the council from meeting, he determined to take matters into his own hands, and by a liberal use of his time and money, succeeded in keeping the forces together until the surrender of Cornwallis. For this he received the merited thanks of Washington, although he was greatly blamed by many as having gone beyond his power as governor,

but was fully and honorably acquitted by the legislature of Virginia. His health gradually declined from this time, and he died January 4, 1789.

FRANCIS LIGHTFOOT LEE.

VIRGINIA.

FRANCIS LIGHTFOOT LEE, a younger brother of Richard Henry, was born at Stratford, Westmoreland county, Virginia, October 14, 1734. His father dying before he was old enough to be sent abroad for an education, he received every advantage possible in the colonies, being placed at an early age in the charge of Rev. Dr. Craig, a pious and learned Scotch clergyman, who proved an excellent tutor, educating his heart as well as his head. Under his instruction he acquired a good knowledge of the classics, and developed a decided taste for reading and study, which he was able to gratify in his father's large and valuable library.

On the return of his brother Richard Henry from England, he was much impressed with his acquirements and polished manners, and immediately took him for a model. Having had an independent property left him by his father, and being without cares, he soon entered upon the pleasures and occupations of country life in Virginia, becoming a favorite by his gentleness and modesty; though these same qualities, which he always retained, proved disadvantageous in public life, as he never overcame a diffidence which appears to have been a family trait. He was aroused to the danger impending over his country by the contest in the House of Burgesses against Parliament, and took a seat in that body as a member from Loudon county, while his brother was at the same time a member from Westmoreland county.

He continued a useful member of this assembly until 1772, when he married and moved to Richmond. Here he was immediately chosen a member from Richmond, taking part in those measures of resistance against Great Britain in which Virginia was engaged at that time. He remained the representative of that county until August, 1775, when he was chosen in place of Colonel Bland, who resigned, to a seat in the General Congress. He was reëlected successively in 1776, 1777, and 1778, acting upon several important committees, and frequently sitting as chairman, and upon the adoption of the Declaration of Independence, signed that instrument with great delight. His chief service in Congress was the assistance he rendered while a member of the committee which framed the Articles of Confederation. He took the stand in favor of securing to the colonies the right to the northern fisheries and the navigation of the Mississippi in concluding the treaty with England, by which he gained the gratitude of the inhabitants of New England.

In the spring of 1779 he retired from Congress and returned home, intending never again to engage in politics. He was soon called, however, to represent his county in the Virginia senate, but he remained here only a short time, when he again gave up public service. A love of ease and social enjoyment rendered private life much more agreeable to him, and he kept his resolution, and never again could be induced to leave his domestic pleasures. He passed the remainder of his life in agricultural pursuits, reading, study, and pleasant intercourse with friends, and dispensed his wealth for the benefit of his country and fellowmen. In April, 1797, he was seized by severe pleurisy, and died in a few days, when sixty-three years of age. He left no children, and was survived by his wife only a few days.

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

CARTER BRAXTON.

VIRGINIA.

CARTER BRAXTON was born at Newington, King and Queen's county, Virginia, September 10, 1736. He was educated at the College of William and Mary, where he graduated at the age of nineteen, and on leaving that institution married the daughter of a wealthy planter, by which union his fortune, already large, was considerably increased. He spent the early part of his life in the enjoyment of his fortune, going to England in 1757, where he remained until 1760.

In 1765 he took an active part in the session of the House of Burgesses of Virginia, of which he was a member, when the resolutions of Patrick Henry were introduced and adopted. Braxton took a conspicuous part in the convention met on the abdication of Governor Dunmore, for the purpose of forming a provincial government, and was chosen representative in the new assembly. In December, 1775, he was elected a delegate to the Continental Congress, as successor of Peyton Randolph, deceased. He remained in Congress only one session, and then resumed his seat in the state legislature, where he served, with but little interruption, until 1786, when he became a member of the executive council, and held that station until 1791. He was reelected to the same office in 1794, and held it until within four days of his death, which occurred October 10, 1797.

WILLIAM HOOPER.

NORTH CAROLINA.

WILLIAM HOOPER was born in Boston, Massachusetts, June 17, 1742, and was the son of a Scotch clergyman. He received a good preparation for a college course, and graduated at

Harvard College in 1760. He was designed for the ministry, but evinced a preference for the law. Having been admitted to the bar, he removed to North Carolina, where he soon had extensive practice, and became a favorite in society.

In 1770-71 a party sprang up under the name of "Regulators," whose actions were viewed in different lights. Mr. Hooper considered them as low malecontents, and assisted Governor Tryon in suppressing them. For this he was condemned as a loyalist, and when he came out boldly on the colonial side he found many who distrusted him.

His legislative labors were commenced in 1773, in the Provincial Assembly in North Carolina, and he signalized himself by his opposition to the British. In 1774 he was elected a delegate to the Continental Congress, and although younger than a majority of the members, was placed upon two of the most important committees. He was again elected to Congress in 1775, and was chairman of the committee which drew up an address to the inhabitants of Jamaica.

He was again returned in 1776, but after signing the Declaration, was obliged to leave for home, as his private affairs were in a very disordered condition. When the Revolution ceased, and prosperity once more smiled upon the land, he resumed the practice of his profession, and did not appear in public life until 1786, when he was appointed a judge of the Federal Court established to settle the question of disputed territory between Massachusetts and New York. He died at Hillsborough, in October, 1790.

JOSEPH HEWES.

NORTH CAROLINA.

JOSEPH HEWES was born in Kingston, New Jersey, in 1730. He received his education at

Princeton College, and after completing his studies in that institution, he was apprenticed to a merchant in Philadelphia, to fit him for commercial pursuits. His apprenticeship being ended, he commenced business with a small capital which his father furnished him, and a good reputation, and in a few years gained quite a fortune.

In 1760, when thirty years of age, he removed to Edenton, North Carolina, where he ever afterwards resided. Gaining the esteem of the people here by his honesty and uprightness, he was elected a member of the North Carolina legislature in 1763, where he discharged his duties faithfully, and was reëlected for several years. He early showed himself a decided patriot, using his influence to bring about a convention to second the call of Massachusetts for a General Congress.

He was elected a delegate to the Continental Congress by the convention that met in the summer of 1774. He took his seat on the 14th of the following September, and was appointed on a committee to "state the rights of the colonies in general, the several instances in which those rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them." During this session he was active in maturing a plan for a non-importation agreement throughout the colonies. By this act he exhibited his disinterested patriotism, as, if carried into effect, the agreement would ruin the business in which he was engaged.

Hewes was again elected a member of Congress in 1775, also in 1776, serving on many important committees, and was in effect the first secretary of the navy of the United States. His views of independence being supported by his instructions, he voted for and signed the Declaration. Returning home on account of the troubles, he remained until 1779, declining a reëlection in 1777. In 1779, however, he was elected again, but having a weak constitu-

tion, his health failed rapidly, and he resigned his seat. He only lived eleven days after, dying in Philadelphia on the 10th of November, 1779, in the fiftieth year of his age. His remains were followed to the grave by Congress in a body, and large numbers of the citizens of Philadelphia.

JOHN PENN.

NORTH CAROLINA.

JOHN PENN was born in Virginia, on the 17th of May, 1741. His father, although possessed of the means for giving him a good English education, utterly neglected his intellectual culture, and his two or three years' attendance at a common country school were his only opportunities for improvement. His father dying when he was only eighteen, left him in the full possession of a competent fortune. Happily for him, the retirement of his previous life had been without the inducements to dissipation which too many situations afford, and the natural vigor and bent of his mind prevented him, when he came into the enjoyment of his estate, from leading an idle and vicious life.

Instead of making for himself companions of the gay and dissipated, he sought the society of the celebrated Edward Pendleton, a near relative, who allowed him the free use of his extensive library. This privilege was turned to advantage by young Penn, who applied himself assiduously to the study of the law. In this he succeeded far beyond his expectations, and although he was his own instructor, was admitted to the bar at the age of twenty-one. His new profession rapidly developed talents which hitherto had lain dormant, and his earnest, persuasive eloquence stirred the tenderest emotions of all who heard it.

In 1774 he moved to North Carolina, where

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

his talents soon won him renown, and in 1775 he was sent as delegate to the Continental Congress. He retained his connection with this body three years, during which time he discharged his duties faithfully and well.

When, in 1780, Cornwallis commenced his victorious march, the western part of North Carolina was in a wholly defenceless condition, and the legislature conferred almost absolute authority upon Mr. Penn to take measures for the preservation of it, which he accomplished in a creditable manner. In 1781 he resumed the practice of his profession, but he was again called into public life in 1784, when he was appointed a receiver of taxes by Robert Morris for his state. This situation, although one of trust and honor, was such as to render him unpopular in the extreme, and finding that his exertions in it were of little benefit to his country, he soon resigned it.

He died in September, 1788. His life furnishes a bright example of success attending well-directed efforts in spite of discouragements in early life.

EDWARD RUTLEDGE.

SOUTH CAROLINA.

EDWARD RUTLEDGE was born in South Carolina, in November, 1749. His father emigrated from Ireland, and settled at Charleston, in 1735. After receiving a good English and classical education, he was placed in the office of his elder brother to prepare for the law, and by way of finishing his studies, he went to England, where he entered the Inner Temple, and had an opportunity of listening to the eloquence of the master minds of the day. He returned home in 1772, and was admitted to the bar, where he soon rapidly rose into eminence.

Although young, he had taken a great interest in the political questions of the day, and

took a decisive stand on the side of the colonies. This, together with his growing reputation as a lawyer, brought him before the public, and the convention of South Carolina sent him as a delegate to the first Continental Congress. He there displayed great activity and fearlessness in his efforts for the Declaration of Independence, although many of the citizens of his state were opposed to it. He, with Richard Lee and John Adams, prepared the preamble.

When, during the darkest days of the Revolution, the British sent Lord Howe to endeavor to procure a reconciliation, Dr. Franklin, John Adams, and Mr. Rutledge were commissioned to negotiate with him. This proved, as was expected, a failure, as the terms offered, namely, the representation of the colonies as free states, were such as England would not accept. On account of ill health he relinquished his seat in Congress in 1777, but returned in 1779, having in the mean time been actively engaged at home in repelling invasion. He commanded a battalion of artillery, and succeeded in dislodging the British from their position at Port Royal. During the siege of Charleston, in 1780, he was actively engaged in affording succor to General Lincoln, but in an attempt to throw troops into the city, was captured, and sent to St. Augustine, Florida, where he remained a prisoner for nearly a year. He afterwards resided some time in Philadelphia, but soon removed south, and resumed the practice of his profession, serving ably at the same time in the state legislature, where he rendered himself conspicuous by his strenuous opposition to the extension of slavery, and his advocacy of the Federal Constitution.

He was chosen to fill the vacancy in the Senate of the United States caused by the resignation of Charles C. Pinckney, but did not hold the office after 1798, when he was elected governor of South Carolina. In this office he died, January 23, 1800.

THOMAS HAYWARD.

SOUTH CAROLINA.

THOMAS HAYWARD was born in South Carolina, in the year 1746. His father was a wealthy planter, and placed his son in the best classical school in that region, where he so readily mastered the Latin that he read with ease the best works in that language. As soon as he finished his studies he entered a law office, where he studied for a while, and then went to England to finish his legal education. He entered one of the courts of the Temple, and prosecuted his studies with much zeal.

While he was in England he was much displeased with the idea, every where prevalent, that a colonist was inferior to an inhabitant of the mother country, and he combated it, but unsuccessfully. Before returning home he visited several of the states of Europe, but instead of being impressed with the splendor of the courts, he only became more deeply imbued with democratic principles. He was among the first in his state to resist tyranny and oppression in every form, and constantly scoffed at the idea of unconditional submission. This boldness caused him to be elected a member of the General Assembly, and also of the first "Committee of Safety."

In 1775 he was elected a member of the General Congress, but only accepted after he had been waited upon by a special delegation. He remained here until 1778, when he became a judge of the criminal and civil courts for his state.

His patriotism rendered him particularly odious to the tories, who made several ineffectual attempts to obtain his person. He received a military commission in 1780, and having been wounded, was taken prisoner and sent to St. Augustine, Florida, where he remained a year. On his return he resumed his seat upon the bench, and was engaged in its duties until 1798. He then retired to private life, and died March, 1809.

THOMAS LYNCH, JR.

SOUTH CAROLINA.

THOMAS LYNCH was born in Prince George's parish, South Carolina, on the 5th of August, 1749. Having received a good academical education at Georgetown, South Carolina, he was placed at Eton, England, and after completing his preparatory studies entered Cambridge University, where he took his degree, and won the respect and esteem of the tutors on account of his studious habits. Upon leaving Cambridge, Lynch began the study of the law in the Temple, London. Here he applied himself faithfully, and became a finished lawyer, and being acquainted with some of the leading politicians, gained a pretty thorough knowledge of the movements of the government, and became desirous to return home, where he arrived in 1772. He soon after married, relinquished the profession of the law, and settled upon a plantation given him by his father.

Lynch made his first appearance in public life in 1773, at a town meeting in Charleston, called for the consideration of British imposition. Here he immediately won the hearts of the people by his patriotism and eloquence, and from that time he was looked upon as one who would materially aid in obtaining freedom for his country. He was chosen to many offices of trust, and in 1775 he accepted a captain's commission in the army.

He was called from this service to the Continental Congress, to fill the seat vacated by his father in consequence of ill health, and took his seat in that body in 1776, supporting the proposition for independence and signing his name to the Declaration, which was one of his last public acts. He did not remain long in Congress, but was obliged to resign his seat, as his health became impaired, and returned home with his father, who died at Annapolis. As the only means of saving his life he sailed for the

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

West Indies, accompanied by his wife, towards the latter part of the year 1779, intending to take passage on a neutral vessel thence to Europe. The vessel is supposed to have foundered at sea, as it never reached its destined port, and was never heard of afterwards. He was one of the youngest and most promising statesmen of the Revolution, being only thirty years of age when he perished.

ARTHUR MIDDLETON.

SOUTH CAROLINA.

ARTHUR MIDDLETON was born in South Carolina, in 1743. His father, Henry Middleton, was a wealthy planter, of English descent. The son enjoyed such opportunities as the province afforded for obtaining an education, until he reached a suitable age, when he was sent to England to receive a thorough education. At fifteen he was sent to Harrow school, from thence to Westminster, where he remained four years, then entering Cambridge University. Here he was very studious, and after remaining four years, graduated with distinguished honors at the age of twenty-two.

After remaining some time in England, for the purpose of improvement and the cultivation of the acquaintance of a branch of his family, he travelled on the continent for two years, passing some time at Rome, where he became well acquainted with the fine arts, and quite proficient as a painter. He again visited Europe after his marriage, and returning, took up his residence in the family mansion and engaged in planting. He soon, however, left this for a more active life, and became a leader of the revolutionary party. He was one of the most useful and decided members of the first council of safety.

This colony, having been particularly favored

by the English government, it required all the eloquence of the leaders to rouse the people to take part in the Revolution, and to this task Middleton zealously devoted himself. In 1776 he was placed upon the committee to form a state government, and in the spring he was elected by the Provincial Legislature a delegate to the Continental Congress, and having been active in promoting measures leading to the severing of the colonies from Great Britain, affixed his name to the Declaration of Independence.

Middleton returned to South Carolina at the close of 1777, when his membership terminated, and in 1778 was elected governor, but declined accepting the appointment. In 1779, South Carolina being invaded by the British, his property was ravaged, but unmindful of it he joined Governor Rutledge in his defence of the state. In 1780, after the fall of Charleston, he was taken prisoner, and being one of those kept as hostages, he was sent to St. Augustine, Florida, and thence to the Jersey prison ship. The latter part of 1780 he was sent to Philadelphia an exchanged prisoner, and was at once elected a Representative to Congress, where he served till the close of the war.

Middleton was an excellent stenographer, then an uncommon accomplishment, taking down many debates; he also wrote useful political essays under the signature of "Andrew Marvell." He was a representative to the state legislature until the close of the year 1787, when, having contracted an intermittent fever, he died on the 1st of January, 1788.

BUTTON GWINNETT.

GEORGIA.

BUTTON GWINNETT was born in England, in 1732. He received a good common education only, as the means of his parents were some-

what limited. After finishing an apprenticeship to a merchant in Bristol, he married and began business for himself. Attracted by prospects of wealth and distinction, he embarked for America, and arrived at Charleston, South Carolina, in the year 1770. He remained here two years engaged in mercantile business, when he removed to Georgia, purchasing large tracts of land on St. Catharine's Island, and devoted himself to agricultural pursuits.

He favored, in a measure, the opposition of the colonists to British oppression, but was one of those who were somewhat doubtful of success in an open rupture with the mother country; consequently he looked upon the proposition of a General Congress with unfavorable eyes, as dangerous and full of evils. Meeting with Dr. Lyman Hall, and other true patriots, however, he changed his views, and became one of the warmest supporters of American independence, and an advocate of unyielding resistance to oppression.

Gwinnett became very popular as soon as he espoused the cause of the people, and being talented and possessing a cultivated mind, every honor in their power they quickly bestowed upon him. Openly supporting the cause of the patriots, he was elected to the Continental Congress by the parish of St. John, in 1775. He was reelected the following year, and according to instruction and his own inclination, he voted for and signed the Declaration of Independence. He remained in Congress until 1777, when he was chosen a member of the state convention to form a constitution, and its grand outlines are attributed to Gwinnett.

Receiving so many civil honors, Gwinnett became ambitious, and desirous of obtaining military honors also. He became a candidate for the office of brigadier-general, but was defeated by his opponent, Colonel McIntosh, whom he ever afterwards looked upon as a per-

sonal enemy. He planned a military expedition against East Florida, which he refused to trust to General McIntosh, who was entitled to command it, and which ended disastrously. This, together with other irritations, led to a duel, in which both were wounded, Gwinnett mortally, and at the early age of forty-five he died, on the 27th of May, 1777.

LYMAN HALL.

GEORGIA.

LYMAN HALL was born in Connecticut, in 1727. His father possessing some fortune, he received a good education, entering Yale College at the age of sixteen, and graduating in 1747. He selected the practice of medicine as a profession, and after completing his professional studies, he married, and removed to South Carolina in 1752, and soon afterwards to Sunbury, Georgia. Here he was very successful in his profession, and won the unlimited confidence and esteem of his fellow-citizens by his intelligence, uprightness, and consistency.

Dr. Hall was among the first of the patriots at the south to resist British oppression. The community in which he lived was thoroughly impressed with the same feeling as many of the people were from New England, and brought hither their principles. The parish of St. John, in which Dr. Hall resided, appeared in fact to have all the patriotism of the province concentrated there, as many of the settlers were direct from Europe, in whom the principles of freedom were much less strong. In 1774, with the assistance of a few others, he endeavored to arouse a little spirit by calling meetings, but his efforts seemed almost useless. Finally, at a general meeting called at Savannah, in July, 1774, despairing of inducing Georgia to send delegates to Congress at Philadelphia, he re-

SIGNERS OF THE DECLARATION OF INDEPENDENCE.

turned home. Having the deepest sympathy with the New England patriots, the people of the parish of St. John determined to act independently of the rest of the colony, and elected Dr. Hall delegate to the General Congress, where he took a seat by a unanimous vote of Congress, notwithstanding he was not a delegate countenanced by the whole province.

Afterwards Georgia was induced to send five delegates, of whom Hall was one. He offered his new credentials in May, 1776, taking part in the debates which followed Mr. Lee's motion for independence, warmly supporting it, and voting for it on the 4th of July. After signing the Declaration, on the 2d of August he returned home for a time. He continued to be annually reëlected to Congress until 1780, at the close of which year he retired from the Continental Congress to attend to the safety of his family, as the state was invaded by the British. He was able to remove them, but being obliged to leave his property it was confiscated. Returning to Georgia in 1782, he was elected governor the following year, which office he held one term, and then retired to private life. He died in February, 1791, in the sixty-third year of his age, greatly lamented.

GEORGE WALTON.

GEORGIA.

GEORGE WALTON was born in Virginia, in 1740. His early education was exceedingly limited, and at the age of fourteen he was apprenticed to a carpenter. His desire for information prompted him to spend all his spare moments at night poring over books by the aid of a pine torch. In this way his mind became well stored, and

he laid the foundation of his future greatness. He afterwards moved into Georgia and commenced the study of law, the practice of which he began in 1777, at a period when the colonies were in a ferment respecting British oppression.

Georgia was at first very backward in taking a stand on the side of right and justice, and was the only colony not represented in the General Congress. Walton, with a few other ardent patriots, endeavored to persuade the people to adopt sentiments like his own. His efforts were crowned with success, and he had the pleasure of seeing Georgia finally yield to the tide of public opinion.

In 1776 the Colonial Assembly sent five delegates to the Continental Congress, of whom Mr. Walton was one. This body was convened at Baltimore at the time he took his seat, having removed from Philadelphia because of the expected attack upon that city by Cornwallis.

He retired from his congressional duties in 1778, to accept the position of colonel of a regiment in his state, when it was threatened with an invasion from the sea. He was present at the siege of Savannah, and received a severe wound in his thigh, and while in this disabled condition was taken prisoner, but was finally exchanged.

In October, 1779, he was appointed governor of Georgia by the legislature, but did not hold this office long, as he was again sent to Congress, but in the next October he returned home to retake the position of governor.

He became also chief justice of the state, and held this post of honor till his death. In 1798 he was constituted a member of the United States Senate, which position he retained a year. He died in Augusta, Georgia, February 2, 1804.



TO WHICH WILL BE ADDED THE HISTORY OF THE SOUTHERN REBELLION.

BOSTON: SAMUEL WALKER, 3 TREMONT ROW.

NEW YORK: THOMAS FARRELL & SON, 107 FULTON STREET.

Now Publishing in Parts, 25 Cents Each.

BEAUTIFULLY ILLUSTRATED

HISTORY OF THE UNITED STATES,

AND

BIOGRAPHIES OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE.

THE American people have always received with favor works on the History of their country, and none perhaps has had a wider circulation, or been more generally approved, than this of which the publisher now offers a new and improved edition, *brought down to the administration of President Buchanan.*

A testimonial to a former edition, signed by DANIEL WEBSTER, GEORGE P. MARSH, MOSES H. GRINNELL, and others, thus speaks of the author and his work: "His spirited and impartial narrative, exhibiting an unusual degree of industry, candor, and carefulness; his manly and philosophical views of the physical, social, and political aspects of our Republic; and the completeness of the sketch he presents of American society, in its widely various features,—all combine to invest it with a standard character." And it recommends the History "as a *standard work*, remarkable for the clearness with which it is written, and for the impartiality with which many vexed questions, so interesting to us as Americans, are treated."

The present edition will offer to the reader a *complete record* of our national annals, and will show the progress and condition of the country as exhibited by the census of 1860.

The Biographies of the Signers of the Declaration of Independence are a valuable addition to the History, which it is believed must prove highly acceptable to all who reverence that great instrument and the patriots who pledged "their lives, their fortunes, and their sacred honors" to its support.

The work will be beautifully illustrated with fine steel engravings and wood cuts, executed expressly for it, from pictures by eminent artists; and original designs by Hammatt Billings. It will also contain a map of the United States, engraved expressly for the work; and the publisher can safely say that no serial publication of equal value and beauty, has ever before been offered to the American public at so low a price.


CONDITIONS OF PUBLICATION.

THE work will be published in parts, each containing two fine steel engravings, engraved expressly for this work, also numerous highly finished wood cuts will be given in the course of publication.

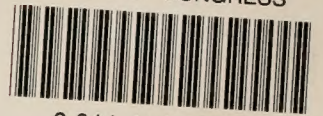
Each part will be furnished to subscribers at twenty-five cents, payable on delivery.

The work is expected to be completed in thirty parts; but should the number exceed thirty-two, all over that number will be furnished to subscribers *gratis*.

 No subscription will be taken for less than one entire copy.

 The Southern Rebellion has given a new interest to the History of the United States, by calling attention to the origin and progress of the Union, and especially to those past events and acts which serve to explain, in some degree, the present state of affairs. The publisher is therefore induced to continue the History through this most important era of the nation's existence, and thus to make a complete History of the country, from the earliest period down to the close of Rebellion. With this object, a new volume will be issued, commencing with Mr. Buchanan's Administration, illustrated with the finest engravings, and giving a narrative of events, compiled from official documents and other authentic sources. Specimen parts are now ready.

LIBRARY OF CONGRESS



0 011 414 108 2